

POLICY PAPER

Volume 6, Issue 3

February 17, 2009

SCHOOL INNOVATIONS FROM ACROSS THE NATION

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Executive Summary

There are three approaches to improving education. One is to spend more. A second is to implement tough standards, such as No Child Left Behind. A third is to give families more choices in how they obtain an education for their children. This report offers a review of four innovations that states are using—today—to offer families more choices: charter public schools, tax credits and deductions for tuition and school expenses, vouchers and virtual schools.

Unlike traditional schools, **charter public schools** have an explicit performance contract. The contract is between the school management and a second party (called an “authorizer”), such as a university, a specialized state agency, or a local school district. Some states allow for several types of authorizers. Others, such as Kansas, restrict authorizers to local school districts. When a state allows for multiple authorizers, however, it has a more rigorous charter school movement.

Some education **tax credits and deductions** are given directly to parents of school children. Others are given to taxpayers who donate to scholarship-granting organizations.

Voucher programs give parents checks redeemable at participating schools for tuition and related expenses. Some programs are open to students living in certain cities or neighborhoods, while others are limited to children in foster care or with special education needs.

Virtual schools use the Internet to help students learn. While traditional public schools can and do use the Internet, some students attend schools that exist primarily online.

This report is a menu for lawmakers and citizens who are interested in bringing school choice measures into public education. It mentions the merits of these choices only in passing. More information about these options is available from the Flint Hills Center for Public Policy.¹



Introduction

“Public education” has largely come to mean government owned and operated schools. Local school boards are units of government that levy taxes, receive tax money from state and federal officials, and own and operate schools.

Largely unnoticed, however, are alternative methods of providing for childhood education. These methods, which involve public funding of education without government ownership of schools, vary greatly. Some, such as town tuitioning, have been used for over 100 years. Others, such as charter schools, have been developed within the last 20 years. The Flint Hills Center for Public Policy recommends that lawmakers consider adopting one or more of these methods.

Policymakers and members of the education establishment have implemented many different changes in the past few decades: Designing new curriculums, making classes smaller, wiring classrooms to the Internet, creating smaller schools and so forth. But most reforms have been carried out in a financial system that hasn't changed since the late nineteenth century, one in which public funding for a child's education is tied to one specific government entity known as the local school district.

More recently, however, four developments have started to provide an alternative to that model. These developments—charter schools, vouchers programs, tax credits and virtual schools—have opened doors of opportunity to students across the country. In their various ways, each of these developments have given families new options when it comes to educating their children. Some families seek new schools because their children are assigned to poorly performing schools. Other families seek a safe haven from dangerous schools filled with violence. Others find that their children are not thriving in the assigned schools, whether

due to teaching methods, curricular emphasis or other factors.

This report describes how states throughout the country supplement the government-as-operator model of education. It includes references to statutes enabling these alternatives and, as appropriate, hyperlinks to organizations of interest.

Innovation 1: Invigorate the Charter School Movement through Alternative Authorizers and a Strong Charter School Association

The first option for introducing more choice is to make better use of charter schools.

Charter Schools Use an Innovative Logic: Perform or Perish

The first public charter school in the nation was launched in Minnesota in 1992. Today, charter schools are the leading structural innovation in education. More than 1.3 million students are enrolled in 4,500 charter schools across the country, with 355 new charter schools opening their doors this academic year.²

As the name suggests, a charter school has a charter that it must abide by. The charter is a contract, typically three to five years long, between the school and a separate organization known as an authorizer or sponsor. In the words of the National Association of Charter School Authorizers, the authorizer is “charged by law to approve new schools; oversee ongoing performance; and evaluate the performance of public charter schools to make renewal decisions.”³ Examples of sponsors include school districts, universities and specialized statewide agencies. Some states allow several different types of organizations to be sponsors, while others, such as Kansas, let only school districts serve that role.



The charter establishes standards for the school's financial management and academic performance. In exchange for agreeing to a contract, the charter school is freed from some of the red tape that burdens traditional public schools, though the particulars vary from state to state. The authorizer can renew the contract at the end of its term if the school has fulfilled its duties.

If the school fails to fulfill the charter, however, it has breached its contract and the overseer is obligated to shut it down. Closing a school is never a pleasant task, but the fact that a failing charter school can be shut down is actually a benefit to taxpayers and families. Poorly performing non-charter public schools keep going year after year, wasting tax dollars and the education of thousands of students. But with the charter school model, failure does not endure for long.

Charter schools must comply with regulations covering health, safety, special education and civil rights, but in many cases have other regulations waived. A charter school may enjoy one or more of the following freedoms:

- Have a longer school day or year than that required by state law;
- Operate without a union, which means that managers have more freedom to fire underperforming teachers;
- Create their own disciplinary principles and impose a code of conduct, such as requiring students to wear uniforms;
- Hire a certain percentage of teachers who have real-world experience (say, in math or science) but who have not gained certification through a college of education.

Many people think that charter schools are private schools. But in fact, they are public schools. A charter school accepts all comers and does not charge tuition. The only exception to the "all comers" rule is that when

a charter school has reached its capacity, it uses a lottery to determine who is enrolled, giving preference to siblings of enrolled students. Unfortunately, some schools are filled to capacity and must use a waiting list.

Typically, state laws create different types of charter schools. The most common difference is between the start-up and the conversion school. A start-up, as the name suggests, is a new legal entity, usually created with grass-roots support. A conversion school, on the other hand, is an existing school, within a local district, which has converted to a charter status. One reason why a school may convert to a charter is if it runs afoul of the requirements of No Child Left Behind for five years in a row. One of the options available at that point is to make the school into a charter school.



A menu of options

School choice measures in the U.S.

	Charter: Statewide organization	Charter: Colleges	Charter: Foundations	Charter: City government	Charter: State BOE	Tax credits: STOs	Tax credits: Family expenses	Voucher: Geographic limits	Voucher: Special needs	Voucher: Foster care
AZ	x					x			x	x
CO	x									
FL	x	x				x			x	
GA					x	x				
IA						x	x			
ID	x									
IL							x			
IN		x		x						
KS	-	-	-	-	-	-	-	-	-	-
LA					x		x	x		
ME								x		
MI		x								
MN		x	x		x		x			
MO		x								
NY		x								
OH		x	x					x	x	
PA						x				
RI						x				
SC	x									
TX					x					
UT	x								x	
VT								x		
WI		x		x				x		

Note: The "Charter" columns indicate which organizations, besides the local school district, are authorized to grant charters.

Why do Parents Choose Charter Schools?

Parents and students are attracted to charter schools for a number of reasons.

- They may offer smaller learning environments.
- Students receive more personal attention and individual academic assistance.
- Parents have more opportunities to get involved and make a difference.
- Students may feel safer and more secure at a charter school.
- Charter schools can bypass big-district bureaucracy.
- Many charter schools offer special programming, such as dual-language immersion, dual-enrollment in nearby community colleges, or a thematic emphasis on the arts, technology, science, or environmental education.
- Charter schools may emphasize serving special education populations, including disabled and autistic students.⁴
- They can offer longer school days or school years.

While all charter schools share the quality of having a charter, there is much variation across charter schools. The Thomas B. Fordham Institute has identified several ways in which charter schools can differ from each other. This variety is, in fact, a key element of the charter school idea.

- Some charter schools are college-prep while others are vocational.
- Some seek to attract a wide range of students while others focus on (but are not limited to) school dropouts.
- Some use a progressive approach (alternately known as “constructivist,” “project-based” or “experimental,” such as Montessori); others use a traditional one (teacher-led, “back to basics,” or liberal arts).

- Some target specific populations, such as Native Americans.
- Some use an unusual curriculum, such as one based on the performing arts, math and science, or immersion in a foreign language.

While a charter school can have a particular emphasis in what it teaches, how it teaches, or the kinds of students it hopes to focus on, charter schools, being public schools, will enroll any student who applies and is willing to work to fulfill the expectations. The charter school idea, then, allows schools to innovate. Some examples of innovative charter schools include:

- **Brighter Choice** charter school, in Albany, New York, is an exception to the “welcome all comers” idea of public schools. It operates two single-sex schools, one for boys and another for girls.
- At the **Guajome Park Academy** of Vista, California, all students take the International Baccalaureate program.
- **Basis Charter Schools of Arizona** offers a rigorous liberal arts, college-prep environment. Sixth-grade students take Latin.
- The **School of Arts and Sciences**, in Tallahassee, Florida, features multi-age classrooms.
- The **Toledo School of the Arts** has earned the “Excellent” designation by the Ohio Department of Education three years in a row. In addition to academic subjects, students study dance, music, theatre and visual arts.⁵

In addition to being innovative, some charter schools are known for exceptional results.

- **KIPP Academies**, a national operator of charter schools, generally enroll low-income and minority students. A culture of high expectations and hard work brings exceptional results.



- **University Academy**, of St. Louis, Missouri, has an overwhelmingly minority enrollment. It sets the bar high, expecting that every graduating student will enroll in college.
- The **American Indian Public Charter School** of Oakland, California, has made adequate yearly progress (AYP) for six years in a row.

Charter Schools Should be Independent and Vital Elements of Public Education

Unfortunately, Kansas has not taken full advantage of the charter school idea. Enrollment is scant, for example, with a mere 3,361 students enrolled in charter schools this school year. By contrast, Utah has 23,233 charter school students, New Mexico has 11,426, and Delaware has 7,295.⁶ All three states have a smaller population than Kansas. While there is no “right” number of students who “should” be in charter schools, the very low enrollment in Kansas suggests that the state’s legal and policy environment are not favorable towards charter schools.

Suggestion 1 for Charter Schools: Expand the Universe of Possible Authorizers to Maximize the Independence of Charter Schools and the Creation of Specialized Overseers.

One major hindrance to the development of a vigorous charter school community in Kansas is state law on authorizers. Under Kansas law, charter schools “operate within a school district school structure, but independently from other schools of the district.”⁷ In several other states, by contrast, the law specifies that they are independent of the traditional school district structure.⁸ Charter schools in Kansas, on the other hand, do not have legal or financial autonomy. Groups of parents, educators and civic-minded individuals whose petitions are denied by the local board of

education may appeal the decision, but only to the same board that denied their petition.⁹

School districts often lack the capacity to oversee a charter school, since administrators are used to running their own schools rather than overseeing someone else’s. In short, they are often ill-equipped to offer proper oversight.

Equally important, a school district that is asked to approve a charter school application faces a conflict of interest. If it approves the application of a charter school located within its district, it will lose some portion of its financial aid, usually state money and sometimes local taxes as well. As one professor of education observed:

Some district authorizers have embraced charters as an integral component of their school improvement plans. Others have used them to handle ‘problem’ students or to relieve overcrowding. But far too many others want nothing to do with charters. They resent the need to select, assist, and monitor these schools and see them as a drain on resources.¹⁰

A recent report from the U.S. Department of Education agreed, stating “In too many cases, [local education authorities] are reluctant authorizers, at best, with little interest in opening new [charter] schools,” denying their students new educational options.

To avoid this conflict of interest and develop an institutional capacity to oversee charter schools, a number of states have created alternative authorizers.¹¹

The U.S. Department of Education reports three benefits of having multiple types of authorizers. First, it encourages the development of organizations with a commitment to making charter schools work



to their potential. Second, it fosters the development of best practices by creating a community of authorizers who can exchange ideas. Third, having multiple types of authorizers gives the state leverage over any one authorizer that may have a poor track record.

If Kansas were to take advantage of having multiple authorizers, it would have several models to choose from.

Alternative 1: Create a Statewide Charter-Specific Organization.

Some states have created specialized organizations that oversee charter schools throughout the state. They have different types and amounts of authority, but all offer would-be charter school operators an alternative to the local school district.

Arizona¹²

Charter schools in Arizona go back to 1994, making Arizona one of the first states to adopt the charter school idea. The Arizona State Board for Charter Schools is one of several authorities in Arizona that oversee charter schools. The board has twelve members, including the state's superintendent of public instruction, representatives of the public, a charter school operator, a charter school teacher, and in an advisory capacity, three members of the legislature. The Arizona State Board of Education and local school boards can also authorize and oversee a charter school. Arizona law gives charters an unusually long term—15 years—but it also calls for regular monitoring by the authorizing agency.

Colorado¹³

The Charter School Institute of Colorado is one agency in the state that reviews charter school applications and offers accreditation of charters. Some districts retain exclusive

authority over charter schools. But the Charter School Institute can review applications from charters originating in other districts. Its mission includes serving as a model of best practices and measuring the academic success of each school it authorizes.

Florida¹⁴

In Florida, school districts can authorize charter schools. But the Florida Schools of Excellence Office can sponsor charter schools on its own, as well. Also it can co-sponsor charter schools with universities and community colleges. Some of the co-sponsored schools offer students the chance to earn college as well as high school credit—potentially saving taxpayers and students money spent on college. Other charter schools focus on children with disabilities such as autism. In addition, the state has a Charter School Appeal Commission that advises the state board of education.

Idaho¹⁵

The Idaho Public Charter Schools Commission is a specialized agency that has authorized roughly half of the state's 30 charter schools. (The others have been authorized by local school districts.) Its seven members are appointed to staggered terms by the governor, and staffed by the state department of education.

South Carolina¹⁶

Created by legislation in 2005, the South Carolina Public Charter School District now oversees five charter schools.¹⁷

Utah¹⁸

The Utah State Charter School Board oversees some charter schools in the state, while districts oversee others.



Alternative 2: Let Colleges and Universities be Charter School Authorizers.

A number of states allow colleges and universities to serve as charter school authorizers. Since they have schools of education for the training of future teachers, colleges and universities might naturally have an interest in overseeing or even operating charter schools. As of December 2006, 36 colleges or universities in seven states authorized 320 charter schools.¹⁹

Florida

In Florida, state universities in Florida may serve as charter authorizers.

Indiana²⁰

Under a law enacted by the Indiana legislature, four-year public universities in the state may authorize and oversee charter schools. Currently, Ball State University is the only university to take on this challenge. It oversees 22 schools and has plans to oversee another 13.²¹

Michigan²²

Michigan law allows community colleges as well as four-year public universities to authorize charter schools. Intermediate school districts are also eligible. The Michigan Council of Charter School Authorizers counts 11 members, including one community college, two intermediate school districts and eight state universities.

Minnesota²³

Minnesota law explicitly allows private as well as public colleges to serve as charter school authorizers. Community colleges as well as private colleges that offer a two-year degree are also eligible.²⁴ One sponsor, Dunwoody College of Technology, is even a private, for-

profit college. It sponsors a charter school, Dunwoody Academy that emphasizes career training for the fields of automotive, manufacturing, health care and construction.

Missouri²⁵

Missouri law allows community colleges and both private and public four-year colleges and universities to serve as charter school sponsors. They must meet some other requirements. In particular, a charter school is limited to the Kansas City and Saint Louis areas.²⁶ Sponsoring institutions include a community college, the public universities of University of Central Missouri, the University of Missouri (several campuses), Southeast Missouri State University, and two private institutions, Missouri Baptist University and St. Louis University.

New York²⁷

The State University of New York (SUNY), a 64-campus system, oversees roughly 50 charter schools. In addition, the university regents for the state also oversee charter schools.

Ohio²⁸

Ohio law allows for several types of sponsoring organizations, including joint educational districts. In addition, 13 state universities are given the power to grant a contract to other organizations to serve as charter school sponsors. As of 2006, the University of Toledo had designated the Ohio Council of Community Schools to oversee 8 charter schools.

Wisconsin²⁹

Wisconsin law specifies three institutions of higher education that may sponsor or operate a charter school.



Alternative 3: Use Foundations and Other Non-Profit Organizations to Oversee Charter Schools.

In two states, foundations and non-profit organizations can oversee charter schools.

Minnesota

In Minnesota, a charitable organization with a 501(c)3 status can serve as a charter school sponsor if, among other qualifications, it has an end-of-year fund balance of at least \$2 million.³⁰ For example, Pillsbury United Communities is a community-development organization with a 129-year history of helping poor and immigrant populations. It now sponsors 12 charter schools.³¹

Ohio

Ohio law permits 501(c)3 organizations that have assets of at least \$500,000 and a history of five years to become a sponsor.³² The Ohio Council of Community Schools, created in 1999, sponsors 49 schools.

Alternative 4: Give Local Governments the Power to Oversee Charter Schools.

Some states allow local government officials, such as a city council or mayor's office, to serve as a charter school authorizer.

Indiana

The office of the mayor of Indianapolis may authorize charter schools. In fact, it oversees 16 the 18 charter schools in Indianapolis.³³ The law specifies a mayor of a "consolidated city," which is similar to what exists in Kansas City and Wyandotte County.

Wisconsin

Wisconsin law allows the city council of Milwaukee to sponsor a charter school.

Alternative 5: Give the State Board of Education the Option of Overseeing Charter Schools.

Some states give their state boards of education the authority to oversee charter schools. This option has the advantage of building on an existing organizational structure. It could have the disadvantage of foisting responsibility for charters on officials who understand the traditional model of school governance but not the needs of charter schools. In addition, if the selection of the members of the state board is a political hot potato—as it has been in Kansas—giving chartering authority to the state board may subject charter schools to the vagaries of political controversies, which would make planning difficult.

In some states, a state board of education can receive applications directly from interested groups. In others, it serves as a court of appeals, examining an application that was rejected by a school district.

Texas³⁴

The situation in Texas illustrates the power of institutional options to shape the number of charter schools in a state. Under Texas law, four different types of charter schools are possible.

First, an entire district may convert to charter status. None have done so.

A second option, a "district charter school," is created and run by a school district. Of the four types of charters possible in Texas, this one most resembles Kansas law. In the 2007-08 school year, districts enrolled 23,275 students in charter schools. Most were enrolled in the charter schools of only two districts: the Houston Independent School District and the San Antonio Independent School District. These two districts have



unusual reasons to be champions of charter schools. Rod Paige, a strong advocate of charter schools, once led the Houston district. The San Antonio district, meanwhile, is near the Edgewood ISD. What is unusual about Edgewood? For 10 years, students living in that district could receive scholarships to private schools. Operating charter schools was one way for the San Antonio district to keep its students from moving into Edgewood and then qualifying for the financial help available to Edgewood students.

Charter schools operated by public universities represent the third possible type of charter school. During the 2007-08 school year, 1,329 students were enrolled in these schools.

Most charter schools students, however, are in “open-enrollment schools.” These schools are overseen by non-profit charter holders and authorized by the Texas Education Agency, that state’s department of education. During the 2007-08 school year, Texas had 355 open-enrollment charter campuses. They enrolled more than 89,000, or 78 percent of all charter school students.³⁵

Georgia³⁶

The Georgia State Board of Education may oversee a “state chartered special school” if the “charter has been denied by a local board of education, mediation has not been successful, and the charter petition meets” various legal requirements.

Minnesota

The first charter school in the nation opened in Minnesota in 1992. Today it is home to 143 charter schools, ten of which are overseen by the Minnesota Department of Education.³⁷

Louisiana³⁸

Louisiana Board of Elementary and Secondary Education (BESE) is one of several authorities with oversight.

Suggestion 2 for Charter Schools: Create a New Charter School Association that Will Provide Guidance and Lead the Charter School Movement.

Kansas would benefit from implementing two changes in the charter school environment. First, it needs a strong, independent charter school association. While government need not create this association, it is something that Kansas should have. Charter school associations provide their member organizations with best practices, technical support, networking opportunities, and other activities that encourage the best use of charter schools. The following organizations might serve as models: The Arizona Charter Schools Association, the Florida Consortium of Public Charter School and the Minnesota Association of Charter Schools.³⁹ In addition, the National Association of Charter School Authorizers has been a voice for improving the quality of charter school oversight.

Innovation 2: Give Individual and Corporate Taxpayers Tax Credits or Deductions for Educational Expenses.

A number of states offer tax advantages for K-12 education, including deductions and tax credits.⁴⁰ The provisions vary across the states. For example, some tax credits are given directly to parents who incur educational expenses on behalf of their children, while others are given for donations to organizations that provide scholarships to private schools or supplies to government-run schools. Some credits are available only to people who pay income taxes, while others are “refundable,” meaning that they offer a cash payment (to offset expenses) even if a

person has no tax liability. Another significant variation concerns what expenses qualify for the credit or deduction. Tuition for private school sometimes qualifies, but not always. In addition, the favorable treatment can either be means-tested (limited to only people with a low income) or universal (available to everyone). Some credits are available only to families, while others are available only to businesses. States typically cap the amount of credit an individual taxpayer may take, or cap the total amount of credits that are available to all tax filers in a year. If a tax credit or deduction is allowed for educational expenses at a school, the school must meet certain requirements regarding non-discrimination and student safety.

Credits for Donations to Scholarship-Granting Organizations

In some states, individual and corporate taxpayers can take a credit for donations to organizations that give scholarships for private school enrollment. These organizations go by different names, including “student tuition organizations” (STOs) or “student scholarship organizations.” A variety of rules apply to these organizations. Some are means-tested while others give money to all comers. Laws generally specify how much of its assets, at a minimum, an organization must give away each year. States typically impose rules that forbid donors from stating that only a certain child or certain school will benefit from a donation. For donors, the credits are generally administered through the state’s tax or revenue department. Families that wish to receive a scholarship typically apply to one of the scholarship-granting organizations recognized by the state.

Arizona’s Program for Corporations

Arizona gives tax credits for contributions to student tuition organizations that provide

scholarship money to students. In 2007, there were 55 STOs in the state.⁴¹

Corporations may take a tax credit against income tax obligations if they donate to an STO. The total amount of credits available was set at \$10 million in 2006, and increases each year. The law also limits the size of scholarships that an organization can give to a student.⁴²

Arizona’s Program for Individuals

Arizona taxpayers can take a personal tax credit for donations to school tuition organizations, which give scholarships to students who wish to enroll in private schools. The credit for donations to public schools is limited to \$400 for a joint return or \$200 for a single return.⁴³

The credit for donations to student tuition organizations is limited to \$1,000 for joint returns or \$500 for individual ones. No credit is given if the donation is made directly for the benefit of the taxpayer’s dependent. Students apply to the scholarship organizations for assistance.

During 2007, STOs received over 76,000 donations, with an average donation of \$714. They gave over \$48 million in scholarships that year.⁴⁴

In addition, taxpayers may take a personal income tax credit for donations (or fees) that support extra-curricular or character education programs in public schools, including charter schools. During the 2007 tax year, 211,270 people donated \$43.9 million to for these purposes.⁴⁵

Florida’s Tax Credits for Donations to Scholarship Funding Organizations

In 2001, Florida enacted the Corporate Tax Credit bill (CTC), which encourages businesses to make contributions to one of



two scholarship funding organizations (SFO's) credentialed by the state: Florida P.R.I.D.E. and Children First Florida. Businesses can offset up to 75 percent of their income tax liabilities, with total tax credits allowed for the state capped at \$88 million.

Eligible families can receive up to \$3,950 in money to pay for private school tuition or up to \$500 to pay for transportation to a different school district. Only low-income families may participate. More than 21,000 students received these scholarships at last count.⁴⁶ Businesses have rallied around the effort, with major retailers, banks, and others companies not only donating money but also serving in advisory capacities. By law, 100 percent of donations must be spent on scholarships; other fundraising efforts support administrative overhead.

According to a new analysis by the research office of the Florida Legislature, "in Fiscal Year 2007-08, taxpayers saved \$1.49 in state education funding for every dollar loss in corporate income tax revenue due to credits for scholarship contributions." That's because the scholarships purchase education at a private school for much less than it costs to educate a student at a Florida public school.⁴⁷

Georgia's Tax Credits for Donations to Student Scholarship Organizations

Georgia's program is perhaps the nation's most recent, enacted in 2008. It lets individual and corporate taxpayers take tax credits for contributions to student scholarship organizations (SSOs). Currently, 10 non-profit organizations are recognized as SSOs by the state. Individuals may take up to a \$1,000 credit; married couples may take \$2,500, and companies may take up to 75 percent of their income tax liability. Total tax credits are capped at \$50 million.⁴⁸

Iowa's Tax Credits for Donations to Student Tuition Organizations

Iowa allows taxpayers to take a credit against their personal income tax return a portion (up to 65 percent) of the amount they donate to a student tuition organization. The total amount of credits available statewide is \$5 million.⁴⁹

Pennsylvania's Educational Improvement Tax Credit Program

The Educational Improvement Tax Credit Program, started in 2001, lets a business take tax credits for income or other taxes against contributions to one of three different organizations: scholarship organizations, educational improvement organizations and pre-kindergarten scholarship organizations. These organizations provide money for private school fees, innovative programs in public schools, and money for enrollment in pre-K programs, respectively. The amount of tax credits available is limited by law, which sets limits for each of the three different purposes. As of November 12, 2008, approximately 260 scholarship organizations were qualified to receive donations that would allow for tax credits. During the 2007-08 school year, more than 44,000 students received grants from scholarship organizations.⁵⁰

Students and families who receive the scholarships as a result praise the law. One parent said, "Joey and Joanna are succeeding at this school. We are so grateful for the opportunities to send our children to the school of *our* choice."⁵¹

Rhode Island's Corporate Tax Credits for Donations to Scholarship Organizations

In 2005, Rhode Island created a tax credit program through which a business can receive a credit worth up to 90 percent of its donation to a certified scholarship granting organization (SGO), up to \$100,000. Total



participation for all businesses is limited to \$1 million annually. Currently there are three SGOs in the state. The families that receive scholarships through the program must make more no more than an income level specified in law.⁵² The program is still young, having helped only 278 students during the 2007-2008 school year, its first year of operation. The average scholarships ranged from \$3,000 to \$5,000.⁵³

Credits or Deductions for Educational Expenses Incurred by Parents

Some states offer tax credits or deductions for educational expenses that are incurred directly by parents or guardians. Since state income taxes are generally one of the smaller tax burdens incurred by a family, these tax benefits are of limited value, especially if they are deductions and not credits. Nonetheless, parents will find any benefit better than none.

Illinois' Tax Credits for Educational Expenses

Illinois lets parents and guardians take limited tax credit for private school tuition and other expenses. Once expenses have exceeded \$250 in a year, a taxpayer may take a credit of 25 percent of the expense incurred. The credit for each family is capped at \$500.⁵⁴

Iowa's Tax Credits for Educational Expenses

Individual taxpayers can take as a tax credit 25 percent of the money spent on educational expenses, including tuition, up to \$1,000. Unlike the Illinois tax credit, the Iowa credit applies from the first dollar of educational expenses.⁵⁵

Louisiana's Personal Tax Deduction for Educational Expenses

In early 2008, Louisiana created an education tax deduction that gives parents a credit for educational expenses, including tuition. It is good for 50 percent of the money spent, or \$5,000, whichever is less. Because it applies to supplies as well as tuition, home-schooling parents can benefit as well.⁵⁶

Minnesota's Tax Credits and Deductions for Educational Expenses

Minnesota has allowed a tax credit against educational expenses since 1955. In 1997, a Republican governor and a Democratic Legislature added a tax deduction. The tax credit (up to \$1,000) is means-tested, and refundable, meaning that low-income families that don't have a large tax liability can still benefit. The tax deduction, however, is open to families of all income levels. In an unusual case of cross-border school choice, the deduction is available even if the child attends school in a neighboring state. The value of the credit is limited by the fact that it cannot be used for tuition.⁵⁷

A leading school choice advocate in the state attributes these measures—as well as Minnesota's status as the first state to enact a charter school law and allow for statewide open enrollment—to governors who were willing to enter “a figurative death struggle” for reform, and organizations that provided intellectual and grass-roots support for expanded school choice.⁵⁸

Innovation 3: Use Voucher Programs to Benefit Special Populations, or Even All Students.

Some states offer vouchers, which are cash payments that are directed to a particular school.



All significant voucher programs to date have limits on which students can participate. The limits may be geography (students in a specific city), income (only poor students), medical condition (autism or other special needs) or life circumstance (being in foster care). In addition, one voucher program is limited to students who are enrolled in schools identified as chronically failing.

Vouchers for low-income families in failing districts

Student Scholarships for Educational Excellence (Louisiana)

The Student Scholarships for Educational Excellence program is a recent addition to the menu of choice options, having been enacted by Act 509 of 2008. Sen. Ann Duplessis, a New Orleans Democrat, was a champion of the program, along with Gov. Bobby Jindal, a Republican. Sen. Duplessis applauded the program, saying, "We are beginning to design different ways of educating our kids."⁵⁹

The scholarship program is limited by both geography (New Orleans) and by family income. In addition, it is open (at present) only to students entering kindergarten through third grade. Not all eligible students may be able to participate, due to limited funds available to the program. The dollar value of the scholarship for students not needing special education services is the lower of two numbers: 90 percent of the state and local revenue received by the district the student is leaving, or the sum of the private school's tuition, fees, and costs of administering tests required by the state.⁶⁰

During the initial sign-up period, 1,250 families in New Orleans applied.⁶¹

Educational Choice Scholarship Pilot Program (Ohio)

Ohio's Educational Choice Scholarship program, or EdChoice, gives students in chronically underperforming schools scholarships to attend private schools. The program is limited to 14,000 students. It was established in 2005, with eligibility expanded in 2006. Students must first be admitted to a private school before applying for a scholarship. Students in grades K-8 may receive a scholarship equal to the school's tuition, but no more than \$4,500; the comparable number for students in grades 9-12 is \$5,300. There is no income limit on participation. If more than 14,000 students apply, the scholarships will be distributed by lottery. Students applying for scholarship renewals receive a priority, followed by low-income students.⁶²

When Gov. Ted Strickland proposed eliminating the program, participating families objected. For example, Chanda Heard, whose three children are able to attend a private school because of EdChoice, told lawmakers, "You feed somebody filet mignon for an entire year and now you tell them they have to go back to eating Spam? I just can't see my kids going back into Cincinnati Public."⁶³

In the first empirical study of EdChoice, Greg Forster, a senior fellow with the Friedman Foundation for Educational Choice, found that EdChoice had positive effects on three grade levels within Ohio's most poorly performing schools.⁶⁴

Vouchers Open to All Students in a Given City or State

Town Tuitioning Programs in Maine and Vermont⁶⁵

For well over 100 years, some towns in these two New England states have chosen to not have their own school systems. Instead, they levy taxes and then send the money to

schools selected by each parent. "Tuitioning," as this is called, is usually practiced at the high school level. Private schools are allowed to apply their standard admissions criteria, an unusual rule for voucher programs. State law dictates how much money may be spent on each student, which depends on whether the student is in elementary or high school, and attends a public or private school. In the 2005-06 school year, 6,017 Maine students attended 35 private schools; 2,913 Vermont students attended 24 private schools. An undetermined number of students attended public schools operated in other towns.

Maine allowed religious schools to participate in tuitioning until the Legislature changed the law in 1981. In 1961, Vermont's highest court prohibited religious schools from participating, though it did permit them to participate from 1994 through 1999.⁶⁶

A study in 2002 of Vermont schools found that the greater the number of the number schools in a region, the higher the scores on standardized tests.⁶⁷

Cleveland Scholarship and Tutoring program (Ohio)

Ohio has a two-part program for students in the boundaries of the Cleveland Municipal School District.⁶⁸ One part offers each student in grades K-12 \$400 per school year for tutoring. There are no family income limits to this part of the program, though low-income families must contribute a smaller co-payment to supplement public funds.

The second part of the program is a scholarship grant, or voucher, limited to students entering grades K-8. Students may use the money at any state-qualified private school within the boundaries of the Cleveland school district. (The scholarship may also be used at neighboring public school districts, but so far, none have chosen to participate.) The amount of the scholarship is capped at

\$3,450, or the tuition amount, whichever is less. There is also an income test, with families having to pay either 10 or 25 percent of tuition.

Created in 1995, the Cleveland program was subject to extensive litigation. In 2002 case *Zelman v. Simmons-Harris*, the U.S. Supreme Court ruled that the federal constitution does not bar the use of public funds at religious schools.

Milwaukee Parental Choice Program (Wisconsin)

The Milwaukee program began during the 1990-91 school year, supported by a Democrat, Rep. Polly Williams, and a Republican, Gov. Tommy Thompson. It has grown more popular over time, with the legal limit on the number of participating students increased from roughly 14,500 to 22,500 in 2006. As of September 2008, 20,244 students attended 127 private schools. Scholarship amounts are limited to the lesser of \$6,607 or the private school's per-pupil costs of operations and debt service. Students in K-12 may participate, but only if families meet income limits.⁶⁹

Vouchers for Special Needs Students

Carson Smith Special Needs Scholarship Program (Utah)⁷⁰

The Carson Smith scholarship program, formally known as the Special Needs Scholarship program, helps special needs students attend eligible private schools. The program, enacted in 2005, is open to students who have one or more specified disabilities, including mental retardation, hearing impairment and serious emotional impairment. The amount of the scholarship available depends on the extent of the services required to educate the student. Students are granted scholarships for a



three-year period; their continued enrollment in the program depends on the results of a professional assessment.⁷¹ When the legislature's audit office reviewed the program in January 2008, it found that it was widely endorsed by parents of participating students—a key evaluation criterion of the program's enabling legislation.⁷²

McKay Scholarships Programs for Students with Disabilities (Florida)

The McKay Scholarship program, which first granted scholarships in the 2000-01 school year, is open to students who have an individualized education program, or IEP. It allows students to attend a public or private school based on family needs rather than residence. In the 2007-08 school year, it assisted 19,852 students. The average scholarship was \$7,295, but actual awards ranged from \$5,160 to \$21,769, depending on student needs.⁷³

While school choice can help all students, parents of McKay students may be among the most grateful. One mother told the Florida Department of Education, that she “had been through hell and back to get some help for my child.” Thanks to help of the scholarship, her son now does “very well” at a private school.⁷⁴

Georgia Special Needs Scholarships

The Special Needs Scholarship program was created in 2007 to offer alternatives for students with one or more specified disabilities, including emotional and behavioral disorders, health ailments, intellectual disabilities or autism. The student who receives the scholarship must have an IEP. The scholarship may be spent at a qualified public or private school. Approximately 130 private schools are eligible to receive scholarship students. The scholarship amount is based on several factors, including the level of disability.⁷⁵

Scholarships for Pupils with Disabilities (Arizona)

The Arizona Scholarships for Students with Disabilities Program, created in 2006, helps students attend public schools or participating private schools.⁷⁶

Autism Scholarship Program (Ohio)⁷⁷

The autism scholarship program pays for services provided by private organizations or individuals that autistic students need for their education. Each student must have an IEP. Students who qualify must apply to the Ohio Department of Education. Since autism treatment is typically costly, parents can receive up to \$20,000 for necessary services. Both parents and the district of residence monitor the private service provider. Approximately 100 psychologists, therapists, schools, tutors and other service providers are eligible to receive scholarships.⁷⁸

Vouchers for Students in Foster Care

Arizona offers a Displaced Pupils Choice Grant to children in foster care.⁷⁹ The grants are worth \$5,000 per year, or a private school's tuition, whichever is higher. Students may redeem the vouchers at over 100 participating schools. Legislation enacting the program was created in 2006.

The fate of the grants for foster children, as well as the grant program for special-needs children, awaits a ruling from the Arizona Supreme Court, which heard a legal challenge to the program on December 8.⁸⁰

Innovation 4: Foster the Development of Virtual Schools

The use of online learning continues to grow, according to the latest large-scale study on the subject.⁸¹ Online classes are offered in a variety of settings, including the following:



Traditional school programs; credit recovery programs that help students make up for classes they have failed or missed; charter schools; and specialized statewide organizations. Some students take just one or two online classes at a time while others may attend online classes full time.

The two states with the largest enrollment of full-time online students are Pennsylvania and Ohio. The Pennsylvania Cyber Charter School has 7,798 students. One student enrolled in the program may have spoken for many when she said, "Home-based, virtual classes are amazing. PA Cyber has given me an open door to accomplish everything I dream about."⁸²

The second-largest online program in the country is the Ohio Virtual Academy, at 5,225 students. But most full-time programs have fewer than 1,000 students and are dwarfed by part-time programs. The Florida Virtual School is the largest part-time program for students. It offers over 90 classes to students in Florida and (for a fee) beyond. During the 2007-08 school year, it enrolled 65,675 students in 137,450 classes.

Some Kansas school districts, especially USD 497 Lawrence and USD 458 Basehor-Linwood, have virtual school programs that serve students across the state. These efforts should be commended and encouraged. Students in Kansas should be free to choose from any qualified virtual school program offered in the state.

For more information on online learning, see the Flint Hills Center publication on the subject, "Virtual Schools: For Some, the Future of Education."⁸³

Conclusion: One Goal, Many Options

As citizens, we create governments and levy taxes on ourselves so that we can accomplish certain tasks. Educating the next generation is one of those tasks that is supported by public funds. How should that task be accomplished? Many families will continue to depend on the local school district. But it is in the interest of other families—and ultimately, of all citizens—to have many mechanisms available for education. Charter schools, vouchers, tax credits and virtual schools are being tried across the country. Kansas uses virtual schools and in an extremely limited degree, charter schools as well. If Kansans wish to improve their educational future, they should consider and learn from the options being used across the country.

About the Author



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Notes:

¹ The following publications from the Flint Hills Center for Public Policy describe various forms of school choice and some of the research on their effectiveness: "Virtual Schools: For Some, the Future of Education," July 24, 2007; "Charter School Primer," December 15, 2007, "Competition Delivers Improved Student Performance: Findings from Voucher Experiments," March 2, 2006; "The Case for Choice in Schooling," February 1, 2002. Each of these reports is available from the Flint Hills web site, www.flinthills.org.

² "Dramatic Parental Choice Growth in 2008," Center for Education Reform, October 23, 2008. See <http://tinyurl.com/5hmnaw>.

³ "Charter Schools and Authorizing," National Association of Charter School Authorizers, <http://www.qualitycharters.org/i4a/pages/index.cfm?pageid=3389>.

⁴ "Donate to FCPCS," Florida Consortium of Public Charter Schools, <http://is.gd/gZBA>.

⁵ For more information on the types and varieties of charter schools as well as some of their achievements, see "National Charter School of the Year," Center for Education Reform, <http://is.gd/gZBM>, and "Innovations in Education: Successful Charter Schools," U.S. Department of Education, <http://is.gd/gZvP>, as well as Dick Carpenter, "Playing to Type?," Thomas B. Fordham Institute, May 2006, <http://is.gd/gZwa>.

⁶ This estimate is provided by the Center for Education Reform, "New Charter School Data, 2008-2009 New School Estimates," <http://is.gd/gZwn>.

⁷ Kansas statutes, KSA 72-1903(a)

⁸ The statutes of the following states explicitly call out charter schools as operating independently of the traditional school district structure: Arkansas, California, Connecticut, Delaware, Idaho, New York, Ohio, Pennsylvania, and Wyoming. Some states follow the example of Kansas and explicitly state that charter schools operate within a district structure. Others mention that charter schools are "independent."

⁹ Charter school applications must be approved by both the local board of education and the state board of education. See Kansas statute §72-1906, which allows a person or group of persons petitioning for a charter to ask the local board to reconsider. It does not, however, allow the petitioner to seek a charter from any other organization, nor does it allow the petitioner to appeal to the state board of education. Kansas statute §72-1907 gives local boards the authority to revoke or nonrenew a charter, and specifically disallows the petitioner the right to appeal.

¹⁰ Louann Bierlein Palmer, "'Alternative' Charter School Authorizers," Policy Report, Progressive Policy Institute, December 2006, <http://is.gd/gZwE>.

¹¹ "A Commitment to Quality: National Charter School Policy Forum Report," U.S. Department of Education, 2008, <http://tinyurl.com/8sc736>.

¹² See Arizona statutes §15-181 through §15.189.03.

¹³ See Colorado statutes §22.30.5-101 through §22.30.5.516.

¹⁴ See Florida statutes §1002.33.

¹⁵ See Idaho statutes §33-5201 through §33-5215.

¹⁶ See South Carolina statutes §59-40-10 through §59.40-240.

¹⁷ For additional information on the South Carolina Charter School district, see Ashlei N. Stevens, "Union County charter school gets go-ahead," *Spartanburg Herald-Journal*, November 16, 2007, <http://is.gd/hH2b> and Timothy Daniels, "Charter school district deserves equal funding," *The State*, January 19, 2009, <http://is.gd/gsf1>.

¹⁸ See Utah statutes §53A-1a-501 through §53A-1a-515.



- ¹⁹ Palmer, p. 10.
- ²⁰ Indiana statutes §20-24-1-1 through §20-24-11-4.
- ²¹ “Office of Charter Schools,” Ball State University, <http://is.gd/qZxL>.
- ²² Michigan statutes §380-501 through §380.529.
- ²³ Minnesota Education code 124D.10 and 124D.11.
- ²⁴ Minnesota statutes 29.1, Chapter 124D.10, Subd. 3.
- ²⁵ Missouri statutes §160.400 through §160.420.
- ²⁶ Missouri statutes 31.1. Title 11, 160.400.
- ²⁷ New York statutes §2850 through §2857.
- ²⁸ Ohio statutes §3314.01 through §3314.36.
- ²⁹ Wisconsin statutes Chapter 118.
- ³⁰ Minnesota statutes 29.1, Chapter 124D.10, Subd. 3.
- ³¹ See the web site of the Pillsbury United Communities, <http://is.gd/gZyz>.
- ³² Ohio statutes 3314.02(C)(1).
- ³³ Office of the Mayor, “Family Guide to Public Schools in Indianapolis,” <http://is.gd/gZCm>.
- ³⁴ See Texas statutes §12.001 through §12.156.
- ³⁵ Brooke Dollens Terry and Michael Alexander, “Calculating the Demand for Charter Schools,” Texas Public Policy Foundation, August 2008, <http://is.gd/gZCA>.
- ³⁶ Georgia statutes §20-2-2060 through §20-2-2069.
- ³⁷ Charter School Directory, Minnesota Association of Charter Schools, <http://is.gd/gZCK>.
- ³⁸ Louisiana statutes §17:3971 through §17:4001.
- ³⁹ For information on these organizations, see <http://www.azcharters.org/> (Arizona), <http://www.floridacharters.org> (Florida) and <http://www.mncharterschools.org/> (Minnesota).
- ⁴⁰ See also the web page “Tuition Tax Credit and Deduction,” offered by the National Conference of State Legislatures, <http://tinyurl.com/75bdry>.
- ⁴¹ For information on the Arizona tax credit programs, see the Arizona Department of Revenue’s report, available at <http://is.gd/qZu2>.
- ⁴² See Title 43-1183 of the Arizona statutes.
- ⁴³ See Title 43-1089 and 43-1089.01 of the Arizona statutes. See also the Arizona Department of Revenue: <http://www.revenue.state.az.us/researchstats/schooltaxcredit.htm>.
- ⁴⁴ Arizona Department of Revenue, “Private School Contributions and Fees, 2007,” <http://is.gd/gZDN>.
- ⁴⁵ Arizona Department of Revenue, “Public School Contributions and Fees, 2007,” <http://is.gd/gZDB>.
- ⁴⁶ Home page of “Florida P.R.I.D.E.,” <http://www.floridapride.org/>. See also 2001 Florida statutes, Title XIV, Chapter 220.187.
- ⁴⁷ “The Corporate Income Tax Credit Scholarship Program Saves State Dollars,” Report No. 08-68 Office of Program Policy Analysis and Government Accountability, December 2008, <http://is.gd/qZEO>. See also Ron Matus, “Private school vouchers reduce cost of education in Florida,” *St. Petersburg Times*, December 17, 2008, <http://is.gd/qZEh>.
- ⁴⁸ For information on the Georgia program, see the Georgia Department of Education, <http://is.gd/gZEz>. See also Georgia Code, 20-2A and 48-7-29.13.
- ⁴⁹ For more information on the Iowa tax credit for contributions to student tuition organizations, see <http://is.gd/qZEE>. See also Section 422.11M of the Iowa Code.
- ⁵⁰ “Educational Tax Credits,” REACH Foundation, <http://is.gd/qZEO>.
- ⁵¹ “2008 Visions of Choice Winners,” REACH Foundation, <http://is.gd/qZBa>.
- ⁵² For more information on the Rhode Island program, see www.rischolarshipalliance.org.



- ⁵³ Jennifer D. Jordan, "Tax-credit scholarships opening doors," *Providence Journal*, October 14, 2008, <http://is.gd/qZzq>. See also Title 44-62 of the Rhode Island General Laws.
- ⁵⁴ For more on the Illinois tax credit program, see the Illinois Department of Revenue, <http://is.gd/qZzy>. See also Chapter 35 Section 201(m) of the Illinois Compiled Statutes.
- ⁵⁵ See Iowa Code, Section 422.12.
- ⁵⁶ See Louisiana Revised Statutes 47:293(9)(a)(xiv), (xv) and (xvi); and 297.10 through 297.12.
- ⁵⁷ For more on the Minnesota tax credit and deductions, see the Minnesota Department of Education, <http://is.gd/qZA2>. See also Minnesota statutes, section 290.0674.
- ⁵⁸ Mitchell B. Pearlstein, "Nothing Plain About These Plains," *American Experiment Quarterly* (Spring 2000), Center of the American Experiment, <http://tinyurl.com/7zm2rk>.
- ⁵⁹ Erik W. Robelen, "La. Voucher Program Borrows From Plans Around the Country," *Education Week*, June 18, 2008, <http://tinyurl.com/9wmvmc>.
- ⁶⁰ For more on the Louisiana program, see the Louisiana Department of Education, <http://is.gd/qZFp>. See also Louisiana Revised Statutes, Title 17, Chapter 43.
- ⁶¹ Darron Simon, "1,250 N.O families apply for private school vouchers," *New Orleans Times-Picayune*, July 19, 2008, <http://tinyurl.com/5f76oh>.
- ⁶² For more information about the EdChoice program, see the Ohio Department of Education, see <http://tinyurl.com/6qscw3>. See also Ohio Revised Code, Sections 3310.01-3310.17.
- ⁶³ Denise Smith Amos, "Parents Fight to Keep Vouchers," *Cincinnati Enquirer*, April 13, 2007.
- ⁶⁴ Greg Forster, "Promising Start," Friedman Foundation, August 20, 2008, <http://is.gd/e3ZN>.
- ⁶⁵ For Maine, the relevant law is the Free High School Act of 1873 and the Sinclair Act of 1957. For Vermont, see Vermont statutes, Title 16, Chapter 21.
- ⁶⁶ "Education Options in the States: Maine," U.S. Department of Education, <http://is.gd/qZAB>, and "Education Options in the States: Vermont," U.S. Department of Education, <http://is.gd/qZAJ>.
- ⁶⁷ Christopher D. Hammons, "The effects of town tuitioning in Vermont and Maine," February 2002, Vermonters for Better Education, <http://www.schoolreport.com/tuitioning.htm>.
- ⁶⁸ For more information on the Cleveland Scholarship and Tutoring program, see the Ohio Department of Education, <http://tinyurl.com/6k756v>, and Ohio Revised Code, Sections 3313.974-3313.979.
- ⁶⁹ For more on the Milwaukee Parental Choice Program, see the Wisconsin Department of Public Instruction, <http://dpi.wi.gov/sms/choice.html> and Wisconsin Statutes, Section 119.23.
- ⁷⁰ Utah Code Sections 53A.1a.701-53A.1a.710.
- ⁷¹ For more on the Carson Smith Special Needs Scholarship program, see the Utah Department of Education, <http://www.schools.utah.gov/admin/specialneeds.htm>.
- ⁷² "A Performance Audit of the Carson Smith Scholarship for Students with Special Needs," Office of the (Utah) Legislative Auditor General, January 2008, <http://tinyurl.com/8yunyy>.
- ⁷³ For more on the John M. McKay scholarship program, see the Florida Department of Education, <http://www.floridaschoolchoice.org/Information/McKay/>. See also 2001 Florida statutes, Title XVI, Chapter 229.05371.
- ⁷⁴ "Scholarship success stories," Florida Department of Education, <http://tinyurl.com/7eeknz>.
- ⁷⁵ For more information on the Georgia Special Needs Scholarship program, see the Georgia Department of Education, <http://is.gd/qZG7>, and Georgia Code, 20-2-2110 through 20-2-2118.
- ⁷⁶ For more on the Arizona Scholarship for Students with Disabilities program, see the Arizona Department of Education, <http://is.gd/qZAX>, and Title 15.891 of the Arizona Revised Statutes.
- ⁷⁷ Ohio Revised Code, Section 3310.41.



⁷⁸ For more on the Ohio autism scholarship program, see the Ohio Department of Education, <http://tinyurl.com/6knvr8>.

⁷⁹ Arizona Title 15-817 and 43-1032 of the Arizona Revised Statutes.

⁸⁰ For more on the Arizona displaced pupils choice grant program, see the Arizona Department of Education, <http://www.ade.az.gov/displacedpupilgrants/>.

⁸¹ For more on virtual schools, see John Watson, Butch Gemin and Jennifer Ryan, "Keeping Pace with Online K-12 Learning," Evergreen Associates, November 2008, <http://is.gd/qZBk>.

⁸² 2008 Visions of Choice Winners," REACH Foundation, <http://is.gd/qZBa>.

⁸³ John R. LaPlante, "Virtual Schools: For Some, the Future of Education," Flint Hills Center for Public Policy, <http://tinyurl.com/6ef8xw>.

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