



## **The New Marketplace of Ideas** ***School Choice and the Future of Public Education***

BY JOY BASKIN

**T**he phrase “school choice” means different things to different people, but the concept plays an important role in shaping the future of Texas’ public education system. So far, Texas has avoided the legal and political battles that have gripped other states over voucher plans that provide public funds directly or indirectly to private institutions to educate students outside of the public school system. Even if a widespread voucher plan is not adopted for Texas, smaller pilot programs are suggested each legislative session to benefit discrete populations, such as students in a specific geographic area or students with disabilities.

---

*The views and opinions expressed in this article are those of the individual authors and do not necessarily reflect the views or opinions of the State Bar of Texas.*

Meanwhile, the last decade has seen an explosion of options within Texas' public schools, including charter schools and magnet programs, as state and local leaders respond to parents' desire for more specialized programs and options. Approximately 100,000 Texas students are enrolled in publicly funded, privately operated charter schools. Thousands more apply to magnet campuses offering elite programming within the state's independent school districts. These specialty schools are changing the face of Texas public education, even as traditional public schools struggle to maintain standards in spite of budget cuts.

To glimpse where our state is headed on the complex issue of school choice, we asked several experts to share their opinions on the following questions:

**What is "school choice" and what do you hope it means for the future of Texas public education?**



**Sen. Florence Shapiro (R-Plano)**

"Don't find fault; find a remedy." With these words, Henry Ford inspired a revolution in industry. School choice exemplifies this concept, and in Texas, the options are between choosing a charter or magnet school.

The greatest gift a parent can give a child is an interest in his or her education. In Texas, the neighborhood traditional school system has manifest itself in individual magnet campuses. These opportunities for choice have just begun. Yet, when *Newsweek* came out with its "America's Best High Schools" list, many Texas magnet schools were selected. As well, when the traditional school doesn't fit their child's particular needs, charters empower parents to find solutions, rather than excuses.

Texas has a vibrant network of charter schools. Charters can explore innovative and individualized opportunities such as college preparation, virtual schooling, or even dropout recovery. Many of our charters in Texas excel, not only in the state's accountability system, but are continually recognized amongst the top schools in the nation. Parent involvement drives success in each of these school choice opportunities.

Children aren't one-size-fits-all. Their educational settings shouldn't be either. Our systems must be about learning, not about institutions. Regardless of whether a student attends a charter, a magnet, or even a neighborhood school, an involved parent makes all the difference. Empowering parents with choice drives student success.

*Sen. Shapiro has been a member of the Texas State Senate since 1993. She is chair of the Senate Education Committee and the Subcommittee on Public Education Funding and is the Texas representative to the Council of State Governments Education Policy Task Force.*



**Rep. Mark Strama (D-Austin)**

No one is more inspired than I am by the experience of visiting a high-performing charter school and seeing at-risk students literally leaning into their work — and their futures — with an enthusiasm and vigor that is, unfortunately, too rarely found in traditional public schools.

These high-performing charters are distinguished in many respects from traditional schools — many have longer hours and academic calendars; some are able to recruit faculty that wouldn't ordinarily become teachers; some offer more generous salaries; some have smaller class sizes; and most create a culture of high expectations and academic rigor that inspires students to higher levels of achievement.

But the one variable that is a constant among them is that every family enrolled in that school made an affirmative, proactive choice to attend that school. To be sure, many charter schools enjoy this same advantage and still fail. The element of choice that is universal in high-performing charters makes it very difficult to compare their results with traditional public schools, which are held accountable for all the students sent to them, not just those who choose to attend.

We talk about the role of choice on charter school campuses, but what about the failing campuses where every parent had a choice to send their child somewhere else but "chose" not to exercise it? Many school districts today maintain very liberal transfer policies, and many more are required by federal law to provide transfers to students on failing campuses, but there is little evidence that choice on this scale is operating to dramatically change attendance patterns or student performance.

My conclusion is that as long as there are students trapped in schools where they cannot achieve their full potential, those students and their families should have the option of attending somewhere else. But those who believe choice is the silver bullet — or the invisible hand — that will suddenly cause all schools to perform above their current level are hanging onto a false hope. The best thing we can do is attempt to apply the strategies adopted at those schools of choice that have seen the most success — longer academic calendars, better salaries, effective teachers, smaller classes, and high expectations — to every campus throughout our public school system.

*Rep. Strama is in his fourth term in the Texas House of Representatives. He is a member of the Public Education Committee, where his legislative focus includes technology in the classroom, early childhood education programs, and extended learning time for at-risk students.*



**Jackie Lain**  
*Texas Association of School Boards*

Public education is no longer simply a public good. It is a competitive marketplace, with parents, students, and taxpayers as the consumers demanding choice. “School choice” was originally a euphemism for vouchers, programs that provide public funds to students to attend private or parochial schools with little or no governmental regulation. Legislative interest in creating a voucher program in Texas burgeoned during the late 1990s and early 2000s. But to date, all voucher initiatives have been defeated. As an esteemed colleague is fond of saying, “Either you’re for accountability or you’re not.” There is simply a logical disconnect between the Legislature’s desire for public accountability and an unregulated voucher system.

Today, the phrase “school choice” has a far more expansive meaning. Typically, school choice is understood to mean the ability of a student to select any school other than the public school for which the student is zoned. Some argue that no meaningful school choice exists in Texas without a voucher program. Others argue that parents and students already have ample choice within the public school system. Students may choose to attend a public school outside of their attendance zone through an inter- or intra-district transfer, by attending a magnet school program, or by enrolling in a charter school. Further, students who attended the public school for which they are zoned may choose to take classes offered by other school districts and even by universities through the state’s virtual schools network.

Whether sufficient public school choice exists remains in the eye of the beholder. But — and what the public should insist on is — if a student’s education is supported with public funds, the public deserves to know what it is getting for its money.

*Jackie Lain has served as the associate executive director of governmental relations for the Texas Association of School Boards since 2006. She previously served as director of public affairs for Standard and Poor’s School Evaluation Services in Washington, D.C.*



**Martha Owen**  
*General Counsel, Texas AFT*  
*(American Federation of Teachers)*

While it sounds benign, the fact is that “school choice” is code for the diversion of critical resources away from public schools. School choice did not enter the lexicon until policy-makers started using tax dollars to fund educational experiments that benefit only a few. The most important of the diverted resources is money, of course, but innovation and energy get siphoned off as well. These resources are needed more than ever: This past legislative session, the Texas Legislature reneged on its commitment to public schools and, instead, cut \$4 billion in education funding and another \$1.4 billion in state grant funding for

such programs as full-day pre-kindergarten. These cuts amount to reduced funding of \$1,000 per student, not to mention the salary and benefits cuts enacted for those teachers and public school employees who managed to survive the mass layoffs triggered by the Legislature’s decisions.

It is true that our public schools face formidable challenges. Yet, rather than support adequate funding and changes that would improve the ability of our schools to meet those challenges, school choice enthusiasts and their beneficiaries, the private school operators, encourage a doomed-to-fail approach that denigrates the professionalism, competence, and dedication of public school employees. Moreover, their professed confidence in the ability of publicly supported charter or private schools to do a better job is misplaced. For example, a 2009 report by the Stanford University Center for Research on Education Outcomes (CREDO) found that 37 percent of charter schools showed gains that were worse than their traditional public school counterparts and 46 percent of charter schools demonstrated no significant difference, while only 17 percent of charter schools showed academic gains that were significantly better.<sup>1</sup>

*Martha Owen is a partner at Deats, Durst, Owen & Levy, P.L.L.C., in Austin. She has served as general counsel to Texas AFT, the state affiliate for the American Federation of Teachers, since 1991.*



**Veronica Garcia**  
*Texas Charter Schools Association*

School choice, specifically as it relates to open-enrollment charter schools, empowers students and parents to take the reins and have a say in the type of public education students receive. Along with school districts, the Texas Education Code grants charter schools “the primary responsibility for implementing the state’s system of public education and ensuring student performance.” As free, public schools, charter schools are subject to the same academic and financial accountability requirements, as well as many other federal and state laws, as school districts. However, they do have fewer regulations, which, in turn, allow them the freedom to innovate. This freedom has allowed for the creation of various types of public charter schools: college preparatory, which typically have longer school days and classes during the summer; specialized mission, which may focus on subjects such as math and science or the performing arts; drop-out recovery schools, which serve students who are many grade levels behind; and residential treatment center and juvenile detention center schools, which provide a learning environment to students confronting certain life challenges.

The beauty of school choice and public charter schools is that they recognize that public education is not a one-size-fits-all approach. Students have a variety of interests, needs, and

methods through which they learn. Charter schools are not “Superman,” but neither are they a conspiracy to dismantle the public education system. They are, in fact, part of our public education system and play an important role in educating Texas’ students. Ultimately, school choice is about providing students with options and not relegating them to a certain school just because of the zip code in which they live. School choice and charter schools are about giving every student the opportunity to realize their full potential and assisting them in making it to that next chapter in their life.

Our hope is that quality and effective charter schools will continue to expand and meet the diverse needs of the Texas student population. With about 120,000 students being educated in approximately 500 charter schools, there are still 56,000 students currently on waiting lists to get into a charter school. In the future, if there is true school choice, each of these students will have an opportunity to choose either a charter school or a school district that best meets their needs; these two sets of schools will be able to share best practices; and the overall quality of Texas’ public education system will improve, thus ensuring that Texas students receive the best education possible.

*Veronica Garcia is director of legal and policy services at the Texas Charter Schools Association, which is a statewide membership organization founded in 2008 to represent charter schools of all types.*



**Amy Warr**  
*Attorney and Parent*

For me, school choice has meant the ability to send my daughters to my preferred public school, which is not in my neighborhood. My family has benefited from our school district’s generous transfer policy, which allows students to transfer to any other school in the district if there is space available. I have always been very grateful for the transfer policy and the magnet programs. Because my children are receiving an excellent education, we have not felt pressure to move away from our neighborhood, which we love.

Parents I know decide to exercise choice within the public school system for many reasons: academics, special programs, proximity to a parent’s workplace or a grandparent’s home for after school, greater diversity. I believe that school districts are wise to honor and facilitate those parental choices as much as they can. Most parents value their children’s education so highly that they will make life decisions based on it. By giving parents flexibility, school districts can create a reservoir of good will, retain involved parents in the public schools, and keep the state money that follows every student.

I believe that this type of intra-district choice is the minimum that school districts should offer. It serves as an important safety valve. But it is not enough because there is limited room in desired schools. More and more campuses in our district are

closed to transfers. Advocating for choice has brought home to me the urgent need to improve all public schools and made me more committed to helping make that happen. I hope that more choice accelerates our accomplishment of that goal.

*Amy Warr is a partner in Alexander, Dubose & Townsend, L.L.P. in Austin. She has children in elementary and middle school and served two years as president of the Lee Elementary PTA.*

**Note**

1. Center for Research on Education Outcomes (June 2009). “Multiple Choice: Charter School Performance in 16 States.” Retrieved Aug. 13, 2011, from [http://credo.stanford.edu/reports/MULTIPLE\\_CHOICE\\_CREDO.pdf](http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf)

**JOY BASKIN,**

who collected these comments, has served as director of legal services for the Texas Association of School Boards since 2005. Baskin is the immediate past chair of the State Bar School Law Section.

**2011 TAX PRACTITIONER WORKSHOPS**

*For the Attorney who doesn’t specialize in tax matters but needs to know about them*

**October, November and December**

*48 Workshops over 8 weeks*

**General Income Tax**  
(2 days - \$275)  
(Primarily Individual)

**Advanced Income Tax**  
(2 days - \$275)  
(Primarily Business)

**Fiduciary Income Tax**  
(1 day - \$215)

**Texas State Tax Issues**  
(1 day - \$215)

**Partnership/LLC**  
(2 days - \$405)

**Ethics for CPAs & EAs**  
(4 hours - \$110)

**Agricultural Tax Issues**  
(1 day- \$215)

13.5 MCLE for 2-day workshops, 6.75 MCLE for 1-day workshops  
*No MCLE credit offered for Ethics or Ag Tax*

For complete schedule write or call:  
Tax Practitioner Workshop Office  
Texas Ext. Educ. Fdn., Inc.

P.O. Box 946, College Station, TX 77841-0946  
(979) 691-0254

**[www.taxworkshop.com](http://www.taxworkshop.com)**

for dates, times, and online registration

Sponsored by the Texas Extension Education Foundation, Inc.