

SCHOOL CHOICE: WHEN, NOT IF†

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The debate on the merits of school choice is over.

In light of the sound thrashing voters have given recent ballot initiatives to establish tuition voucher programs in California, Colorado and Oregon, most readers might assume that school choice is dead. To the contrary, school choice is alive, well and ascendant. Virtually everyone agrees that parents should have the right to choose the schools their children attend. Even the staunchest defenders of the education establishment, which feels most threatened by choice, have had to concede the point. Ernest Boyer of the Carnegie Foundation for the Advancement of Teaching, one of the most outspoken critics of school choice, wrote in 1992 that choice "can, indeed, empower teachers, engage parents, and improve the academic performance of students."¹

There are several basic points of agreement concerning school choice. First, parental wishes in a matter as life-shaping as education should not be ignored or overridden by state bureaucrats. After all, parents know their children best and care for them most. Moreover, parental primacy in the area of child rearing is a fundamental bulwark of our society and should be reinforced. "To ask [parents] to select a school is to treat them as responsible for the welfare of their children," writes Abigail Thernstrom of the Manhattan Institute.² "The request delivers a socially worthwhile message."³ Even if parents make the "wrong" decision, it is their decision to make.

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¹ ERNEST L. BOYER, THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING, *SCHOOL CHOICE* xvi (1992).

² ABIGAIL THERNSTROM, PIONEER INSTITUTE FOR PUBLIC POLICY RESEARCH, *SCHOOL CHOICE IN MASSACHUSETTS* 64 (1991).

³ *Id.*

Second, choice strengthens parental commitment to the schools their children attend. The mere act of selecting a school creates a level of involvement in the education of one's child that is hard to establish in the context of involuntary school assignment. Parental involvement in education, in turn, is widely viewed as a necessary, albeit not sufficient, key to the success of any school. "What all successful organizations . . . share is a high level of commitment or *subscription*, often passionate, from their providers *and customers*," writes Steven Wilson, formerly of the Pioneer Institute and now an advisor to Governor William F. Weld of Massachusetts.⁴ "Studies have repeatedly shown that effective schools share the characteristics of participant ownership, freedom from external constraints, and a strong and distinctive culture."⁵

Third, choice has inherent value within a free society. John E. Coons, University of California law professor, writes that the "permanent and central issue of the civil dialogue in a free society is how to maximize liberty. It is an intense—and not always a hands-off enterprise. . . . It is an enduring experiment not in *laissez-faire* but in [the] social implementation of private choice."⁶ Thernstrom adds that "choice, by conferring greater freedom, enhances personal dignity."⁷

If the fundamental principle of parental choice is not in dispute, why is there so little of it in our school systems? The answer, of course, is that the opponents of choice have merely adopted the rhetoric of parental empowerment, without its substance. Choice is good, they say, but only if it is planned and controlled to ensure equality.⁸ Parents should have the right to pick the school that is best for their children, they say, but only if *all* schools are worth choosing.⁹

School choice is not just about tuition vouchers. In fact, vouchers comprise only a very small component of the choice programs currently in place. There are basically four approaches to choice that are being applied today in the United States. In order of ascending controversy they are: intra-district public choice; inter-district public choice; market-oriented public choice; and private choice.

⁴ STEVEN F. WILSON, PIONEER INSTITUTE FOR PUBLIC POLICY RESEARCH, *REINVENTING THE SCHOOLS: A RADICAL PLAN FOR BOSTON* 65 (1992).

⁵ *Id.*

⁶ JOHN E. COONS, *The Role of the Family in Educational Decision Making: A Conflict between Liberty and Equality?* in *LAW AND EQUALITY IN EDUCATION* 157, 164 (Stephen Goldstein ed., 1980).

⁷ THERNSTROM, *supra* note 2, at 65.

⁸ WILSON, *supra* note 4, at xvi.

⁹ BOYER, *supra* note 1, at 81.

Intra-district public choice gives parents an opportunity to select among the public schools within their home town. In many cases, these choice programs began as desegregation strategies and as a result school departments occasionally override parental selections in order to maintain a prescribed racial balance. In Massachusetts, Cambridge and Boston are prime examples of cities that have adopted intra-district choice.

Inter-district public choice allows students to transfer into school districts other than their own. Residents of a district have preference over out-of-towners, thus, admittance of out-of-district students is contingent on the existence of available seats. In most states with inter-district choice programs, there is some mechanism for transferring funds from the sending district to the receiving district. In addition, these programs generally provide special transportation funding for low-income students who travel across district lines. Massachusetts has had a voluntary inter-district choice program since 1991. By the end of the 1992-93 school year, 3200 children were attending schools outside their home districts and fifty-five districts were accepting out-of-town transfers. In 1993, Massachusetts enacted an education reform law that will require all districts to accept out-of-town students on a space-available basis during the 1994-95 school year, although districts may explicitly opt out of the program.¹⁰

Market-oriented public choice is most commonly built around charter schools. Charter schools are self-managed *public* schools. In Massachusetts, such educational facilities are authorized and monitored by the state, and run independently of local school districts.¹¹ The schools are conceived and operated by management teams whose members come from various segments of the community, including teachers and principals from existing public schools. Students are not assigned to charter schools; they (or more precisely their parents) choose them. Public funding is tied directly to enrollment; the more students, the more money the school receives by way of a per-capita formula.

Private choice tends to be based on state-funded vouchers or tax breaks, which allow parents to pay at least part of the cost of private education with public funds. In some states, including Massachusetts,

¹⁰ MASS. GEN. LAWS ANN. ch. 76, § 12B (West 1982 & Supp. 1993).

¹¹ The Massachusetts charter school law was part of the Education Reform Act of 1993 and can now be found in MASS. GEN. LAWS ANN. ch. 71, § 89 (West 1982 & Supp. 1993). The law authorizes the establishment of up to 25 charter schools, the first of which is scheduled to open in September, 1995.

there are constitutional proscriptions against using public money for private school tuition.¹² Church-state issues have made implementation of private choice politically, if not constitutionally, problematic in virtually every state.

I. PROTECTING THE FRANCHISE

The loudest critics of choice are the teachers unions and school district administrators, who together with school committees and university education departments comprise the core of the education establishment. The most obvious reason for their resistance to actually implementing parental choice is that they have a vested interest in the status quo. Public school systems have a virtual monopoly on elementary and secondary education in this country, and like all monopolists they want to protect their franchise.¹³

The data show that in recent years the public school business has been pretty good, especially for the unions and the bureaucracy. Between 1960 and 1984, student enrollment grew by nine percent. The number of "other" school staff (e.g., central office administrators, bus drivers, counselors, janitors) grew 500%.¹⁴ Data for 1991 show that non-teaching staff now outnumber teachers in the school systems of the United States.¹⁵ As the ranks of administrative staff have mushroomed, the number of school districts has imploded. In 1960 there were over 40,000 school districts in the United States; by 1981 that number had fallen to just under 16,000.¹⁶ The net result is an increasingly centralized system with a growing dependence on a heavily staffed school bureaucracy.

In 1960, no teachers were organized into collective bargaining units. Today, eighty percent of all teachers are union members. The National Education Association, the country's largest teachers union, has an annual budget of about \$750 million, with a political action fund of \$22.5 million.¹⁷

However, attacking the education establishment as nothing more than a special interest may not be entirely fair. Because today's admin-

¹² MASS. CONST. § 2, art. XLVI.

¹³ Eighty-seven percent of all elementary and secondary school students in the United States are enrolled in public schools.

¹⁴ David Boaz, *The Public School Monopoly: America's Berlin Wall*, in *LIBERATING SCHOOLS: EDUCATION IN THE INNER CITY* 16 (David Boaz ed., 1991).

¹⁵ EDUCATION WEEK, Dec. 8, 1993, at 3.

¹⁶ Boaz, *supra* note 14, at 15.

¹⁷ Peter Brimelon & Leslie Spencer, *The National Extortion Association?*, FORBES, June 7, 1993, at 79.

istrators, union leaders and school committee members have made their careers in the public school system, they quite naturally feel obliged to defend it. More to the point, as stakeholders in the system, many of them have stopped questioning the assumptions that undergird public education in the United States; they believe in their hearts that the government's school monopoly serves the best interests of students and parents.

II. THE GLUE THAT BINDS THE NATION?

One of those unexamined assumptions is that government-run schools are the glue that binds our diverse society together. According to a Carnegie Foundation report, "the formation of a sense of identification with and obligation to the larger society was fundamental to the American pedagogical enterprise from the beginning."¹⁸ The progenitors of the so-called "common school" system, including most notably Massachusetts' first Board of Education Secretary Horace Mann, expressly intended to use public schools and compulsory education as a means of unifying American society around a common set of civic virtues and moral values. According to Charles Glenn of Boston University, "their overriding preoccupation was with spiritual disunity, the growing gap between their own 'enlightened' values and stubborn vestiges of what they regarded as superstition and fanaticism."¹⁹ Education icon John Dewey made the socializing role of public schools a central tenet of his pedagogical philosophy. He wrote, "It is the office of the school environment to balance the various elements in the social environment . . . and to see to it that each individual gets an opportunity to escape from the limitations of the social group in which he was born, and to come into living contact with a broader environment."²⁰

Although the ideas of Mann and Dewey have been the touchstones for public education in the United States throughout this century, the common school system has failed to fulfill their vision of an "enlightened" and uniform civic culture. Many of the more traditional pillars of the nation's political and social institutions are being challenged today by the public schools themselves. Even the very notion of a single set of national values is under attack. "The traditional commitment of the public schools to forging American citizens—children with an American identity—seems to be fast waning," writes Abigail Thern-

¹⁸ BOYER, *supra* note 1, at 84.

¹⁹ CHARLES L. GLENN, JR., *THE MYTH OF THE COMMON SCHOOL* 8 (1988).

²⁰ JOHN DEWEY, *DEMOCRACY AND EDUCATION* 24 (1916).

strom.²¹ She notes that, "Increasingly students are viewed as members of permanent racial and ethnic groups with distinct cultures that rightly determine their educational needs."²²

In large part, the failure of public schools to impart a common core of moral and ethical values is due to the fact that responsibility for education rests almost entirely with our political institutions. Because there is no single set of values on which all of our diverse citizenry agrees, attempts to impose common values invariably lead to painful political battles. Most communities have shied away from such confrontations and have instead gradually weeded out values entirely, a procedure which has resulted in milquetoast curricula that leaves everyone dissatisfied.

By way of example, the mission of the Boston Public Schools includes a goal of graduating students "who get along with people of diverse backgrounds, who think for themselves, and who enjoy and appreciate life."²³ These are the only values that the school system deems important enough to reference in its mission statement. While they are certainly commendable, they are hardly sufficient to lay the foundation for a democratic society. Indeed they may reflect the only values that the Boston School Committee could adopt by without objection or debate.

"The public school has largely abandoned the role that was of such central importance to Horace Mann and his contemporaries: developing character and conveying moral principles for which there was a societal consensus," writes Glenn.²⁴ "We may have set ourselves an impossible task in seeking to provide a single model of education that is to be at once capable of nurturing character and civic virtue and yet inoffensive to the convictions of any parent."²⁵ This outcome is not the result of poor leadership or a lack of commitment to the common school approach; rather, it is the inevitable consequence of a monopolistic system that rests squarely on a political foundation.

Choice can help liberate education from the clutches of politics by shifting power to parents and individual schools at the expense of school committees and local school departments. In so doing, schools will be able to establish curricula that develop character and a moral sense, without having to compromise with every disgruntled parent

²¹ Abigail Thernstrom, *Hobson's Choice*, THE NEW REPUBLIC (July 15-22, 1991), at 14.

²² *Id.*

²³ BOSTON POLICY MANUAL, § AD/AE, at 1 (adopted Feb. 1, 1986).

²⁴ GLENN, *supra* note 19, at 288.

²⁵ *Id.* at 285.

and fearful politician. Rather than take their case to the school committee, parents who do not like the values of a particular school will be able to leave for another school more to their liking.

III. THE EQUITY MYTH

Closely linked to the education establishment's assumptions regarding the socializing power of the common school is the belief that government monopoly is the only way to ensure equity in a society rent by social, ethnic and economic divisions. The track record of public education as an integrator of all American children on "the long schoolbench" does not support this belief.

To begin with, the demographics of public schools do not reflect the population as a whole. Because the dimensions of public school districts are largely determined by political and neighborhood boundaries, student populations are first a function of housing patterns. Suburbs are frequently white enclaves, while cities are racial and ethnic polyglots. As a result, suburban schools are largely white and urban schools are decidedly not. Compounding the problem is the fact that people with means, regardless of color, can always escape the public systems by going to private or sectarian schools, while the poor have no choice but to stay behind. Boston is a classic example of the failure of a public school system to educate a true cross-section of the population, even while trying mightily to do just that. In 1973, just before the first year of mandatory busing, Boston's schools were more racially integrated than in 1991. Today, although Boston's school-age population is about thirty-five percent white, enrollment in the public schools is only twenty-one percent white.²⁶

Besides demographics, today's public education system fails its own equity test through its reliance on property taxes as the primary source of funding. In Massachusetts, more than sixty percent of K—12 spending is funded by local property taxes. Because wealthier communities have higher property values, their capacity for raising money is much greater than poorer towns and cities.²⁷ Even the most staunch defenders of the government education monopoly, such as Jonathan Kozol, a leading chronicler of poverty and education in America, acknowledge the "savage inequalities" of the present system. Kozol's indictment of today's public school system could not be more pointed:

²⁶ WILSON, *supra* note 4, at 15; see also SCHOOL DISTRICT PROFILES (Executive Office of Education, June, 1993).

²⁷ JONATHAN KOZOL, SAVAGE INEQUALITIES: CHILDREN IN AMERICA'S SCHOOLS 55–56 (1991).

"The state, by requiring attendance but refusing to require equity, effectively requires inequality. Compulsory inequity, perpetuated by state law, too frequently condemns our children to unequal lives."²⁸

Nonetheless, Kozol's solution to the historical inequity of government-run school systems is to increase and further centralize government's power over education and thereby further restrict the education options available to students and parents.²⁹ The fact is that choice enhances equity by weakening the links between wealth, geography and educational opportunity. Poor children from second-rate school districts do not have to be doomed by their circumstances to a sub-standard education. Instead, they can enjoy more of the options that are now available only to the wealthy.

IV. FAILING GRADES

To this point there has been no discussion of the academic performance of public schools. There are two reasons for the delay. First, there are very few people who have the temerity to stand up and say that the public school system is doing a good job of educating its students. Virtually everyone who comments on education, be they defenders or enemies of the establishment, agrees that the system is in dire need of reformation.

For the record, schools in the United States have done poorly by most academic yardsticks. Scholastic Aptitude Test ("SAT") scores have declined steadily over the past thirty years. Combined math and verbal results have fallen from an average of 978 in 1963 to 902 in 1993. Because a broader cross-section of students is now taking the SATs, this comparison alone may not be entirely fair. Perhaps more telling is the fact that even with a larger test pool, the absolute number of outstanding scores has dropped. The number of students scoring above 600 on the verbal SAT in 1988 was thirty percent lower than in 1972.³⁰ According to the landmark 1983 report of the National Commission on Educational Excellence, "average achievement of high school students on most standardized tests is now lower than . . . when Sputnik was launched."³¹

²⁸ *Id.* at 56.

²⁹ *Id.* at 22-23.

³⁰ Boaz, *supra* note 14, at 2.

³¹ NATIONAL COMMISSION ON EDUCATIONAL EXCELLENCE, U.S. DEP'T OF EDUC., A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM 8 (1983).

In urban school systems, the picture is much worse. A 1992 study by the Pioneer Institute on the Boston schools reported that Boston's average SAT score was:

[F]ully 151 points below the 1991 state and national average. . . . Some 33 percent of Boston students do not graduate, one of the highest rates in the nation. In some schools the dropout rate is as high as 56 percent. Of those who do finish high school, four in ten cannot read at the ninth grade level.³²

Boston's experience is not dissimilar from that of other large cities throughout the country.

Second, and more telling, many proponents of the public school monopoly downplay the importance of academic performance as a criterion for evaluating its franchise. Ernest Boyer writes that focusing on academic achievement places undue emphasis on the "*private* benefits of schooling, [and] departs sharply from a vast body of work by well-regarded thinkers and writers underscoring the social imperatives of education and recognizing that schools also promote *the common good*."³³

To suggest that the academic achievement of individual students serves only a "private" interest runs counter to the conventional (and correct) wisdom that the future of the U.S. economy is overwhelmingly dependent on our ability to raise continually the knowledge and intellectual capacities of the workforce. That aside, as the foregoing discussion demonstrates, the public school monopoly has failed even on its own terms, namely the promotion of the "common good" through the delivery of equal educational opportunities and a single set of civic values to all the nation's children.

It has been said that the definition of insanity is doing the same thing day after day, while each day expecting different results. The government's education monopoly has not produced the academic and social results for which it was designed. The time has come to stop pretending that its performance will improve simply by working harder within the same system. Any structural reform based on the break-up of the government monopoly implies an embrace of parental choice.

³² WILSON, *supra* note 4, at xiv.

³³ Ernest L. Boyer, *Foreword* to SCHOOL CHOICE: EXAMINING THE EVIDENCE xiii (Edith Russel & Richard Rothstein eds., 1993).

V. IS CHOICE ENOUGH?

The only substantive issue remaining regarding school choice is whether it is enough, by itself, to produce better results. The answer is probably no, at least in the short run. Although the existence of choice will have effects over time on the availability of quality alternatives, introducing full-blown choice today would only allow most parents to choose among largely similar (and generally poor) schools. "[P]roviding equal access to . . . schools, both good and bad, does not *in the aggregate* improve educational opportunity," writes Steven Wilson.³⁴

Freeing demand is a necessary, but not sufficient, condition for developing a set of meaningful educational options; the *supply side* of the equation must also be addressed. A choice program that opens up the education market to new entrants would result in the launching of schools "with coherent missions, curricula, and pedagogies, and both staff and parents would gravitate to the schools that they believe are right for them," writes Wilson.³⁵ "Effective programs would be strengthened and failing ones disbanded. In time, educational opportunities would be enhanced for all students."³⁶

It is quite possible that, given the dominant market power of today's education establishment, the introduction of choice by itself would have only a marginal effect. Until AT&T was broken up, there was not enough available market share in the telecommunications industry for competitors to be anything more than niche players, even though consumers were free to select any vendor. A similar market-making act will be required to give school choice a real shot at success.

One approach to this problem is the establishment of charter schools. Charter school laws, similar to the one enacted last year in Massachusetts, are now in place in nine states.³⁷ Some local districts have adopted similar approaches to school management without benefit of state legislation. The most noteworthy and long-running example can be found in New York City's School District 4 in East Harlem.

In 1974, District 4 opened three "alternative" schools that were conceived and independently managed by the staffs. At that time, District 4 ranked last (thirty-second) in the city in terms of reading and

³⁴ WILSON, *supra* note 4, at 3.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Other states with charter school laws include: Minnesota (1991), California (1992), Colorado (1993), Georgia (1993), Missouri (1993), New Mexico (1993), Wisconsin (1993) and Michigan (1993).

math test scores. Fewer than sixteen percent of the students in the district could read at or above their grade level. As the number of alternative schools grew, the district's test scores rose apace. By 1986, there were twenty-three alternative schools and over sixty-two percent of the district's students were reading at or above grade level.³⁸ Beginning on the bottom academic rung of the city's school system, District 4 is now solidly in the middle.³⁹ Perhaps more impressive than the test scores is the fact that over 1000 of District 4's students do not live in East Harlem, but voluntarily transfer into this impoverished neighborhood from other parts of the city. Some of these children come from financially secure families that can afford private schools.⁴⁰

Another example of the promise of charter schools is Chicago's Corporate/Community School of America ("C/CSA"), an inner-city school sponsored by a non-profit coalition of over seventy private companies. Although a private institution, C/CSA charges no tuition and randomly selects its students. About eighty percent of C/CSA's students are from single-parent families and sixty percent live in poverty. Per-pupil spending at C/CSA is roughly equivalent to that of the average Chicago public school.

Data contrasting the academic performance of C/CSA students with similar students in comparable Chicago public schools show the dramatic success of this independently managed venture. In 1988, the control group of Chicago public school students scored significantly higher than its C/CSA counterpart on both reading and math tests. By 1991, that relationship had been reversed.⁴¹

Charter schools are a big improvement over a similar-sounding concept that has acquired wide currency in the education establishment, namely school-based management ("SBM"). School-based management purports to give public school principals, teachers and parents new power to manage their own affairs at each individual school. But the political dynamics of public education have ensured that the levers of power over such critical items as budgets and personnel remain with the central school authorities and teachers unions.

³⁸ Subsequent "re-norming" of the standard reading test has lowered grade-level statistics for all students and school districts. As a result, current data show 43% of District 4's students are reading at or above grade level. The improvement in reading among District 4 students relative to other New York City students, however, has not been materially affected. David L. Kirp, *What School Choice Really Means*, ATLANTIC MONTHLY, Mar. 1992, at 124, 127.

³⁹ Sy Fliegel, *Parental Choice in East Harlem Schools*, in PUBLIC SCHOOLS BY CHOICE: EXPANDING OPPORTUNITIES FOR PARENTS, STUDENTS AND TEACHERS 95, 101-04 (Joc Nathan, ed. 1989).

⁴⁰ Kirp, *supra* note 38, at 120.

⁴¹ ANNA DAVID, PUBLIC-PRIVATE PARTNERSHIPS: THE PRIVATE SECTOR AND INNOVATION IN EDUCATION 8-9 (1992).

"The schools are not in the business of pleasing parents and students, and they cannot be allowed to set their own agendas," wrote John E. Chubb and Terry M. Moe in a 1990 report published by the Brookings Institution. "Their agendas are set by politicians, administrators, and the various democratic constituencies that hold the keys to political power. The public system is built to see to it that the schools do what their governors want them to do."⁴² If Chubb and Moe are right, it is unlikely that districts will ever grant schools enough autonomy to make school-based management work. The recent experience of Boston, which has already implemented school-based management, appears to bear out this conclusion. According to a recent study by the Pioneer Institute, Boston's mandated programs and collective bargaining agreements leave individual SBM schools with discretion over less than five percent of their annual budgets.⁴³ Precisely because they create a set of schools that is beyond the reach of the politically-entrenched education establishment, charter school laws provide an opportunity for the promise of school-based management to be fulfilled.

If the freedom to choose is unavailing in the absence of meaningful choices, is there any value to enacting choice legislation before charter schools (or something similar) are established? The answer is yes, for two reasons. First, as has been previously discussed, choice has value in itself and the denial of parental choice in the area of education is contrary to the basic tenets of a free society. Second, as with any market, the presence of choice will eventually lead to the development of meaningful school alternatives, although not as quickly as if the market were jump-started with charter schools.

Choice alone is not a miracle drug capable of altering human behavior and curing all the ills of education in the United States. When choice is fully implemented, there will still be second-rate schools with disinterested faculty and bureaucratic managers. The difference is that a system based on choice will force these schools to improve or be driven from the market, while today's government-run monopoly grants them eternal life.

VI. THE STEADY ADVANCE OF CHOICE

Politically speaking, choice has far more resonance at the tactical than at the strategic level. Incremental steps toward choice are being

⁴²JOHN E. CHUBB & TERRY M. MOE, BROOKINGS INSTITUTE, *POLITICS, MARKETS & AMERICA'S SCHOOLS* 38 (1990).

⁴³WILSON, *supra* note 4, at 168.

made daily throughout the country. At the same time, the high profile frontal assaults have failed spectacularly.

California's voucher referendum (Proposition 174) lost by a margin of more than two-to-one and failed to mobilize any significant constituency in the state. Significantly, suburbanites, who might be expected to support the expansion of choice in other areas of public policy, voted against Proposition 174. Analysts suggest that their opposition was based on concerns over the magnitude of the reform and the uncertain effects it would have on public school finance in their towns. Beneath the surface, there may also have been concern about the out-of-towners who might enroll in their schools (such as minority children from the inner-city) and the effect of open enrollment on property values, which have historically been linked in part to the exclusive access residents are accorded to their local schools.

Proposition 174 notwithstanding, school choice is making steady tactical progress across the country. As has already been mentioned, nine states now have charter school laws on the books, all of which have been enacted since 1991. As of October 1993, forty-eight charter schools had been authorized in the United States, including forty in California (the home of Proposition 174).⁴⁴

Seven states now have open enrollment within school districts. Ten states allow parental choice between school districts. Minnesota provides tax deductions for non-tuition expenses associated with sending a child to private school. Iowa offers a \$1000 tax deduction per child for private school expenses, including tuition. Since 1990, Wisconsin has had a voucher program for low-income Milwaukee students, which provides state funds for private, non-sectarian education.⁴⁵ A pilot voucher law for Puerto Rico was enacted in September, 1993, under which families with income below \$18,000 are eligible to receive vouchers worth \$1500. The vouchers may be used to fund tuition at private and parochial schools.⁴⁶

A few years from now, probably before the turn of the century, we will look up and realize that school choice is an accomplished fact. It may not come with the bang of an election or a constitutional amendment. Instead, it will likely emerge gradually, perhaps imperceptibly, as

⁴⁴ LOUANN BIERLEIN & LORI MULHOLLAND, MORRISON INSTITUTE FOR PUBLIC POLICY, ARIZONA STATE UNIVERSITY, CHARTER SCHOOL UPDATE: EXPANSION OF A VIABLE REFORM INITIATIVE 2-3 (1993).

⁴⁵ HERITAGE FOUNDATION, SCHOOL CHOICE PROGRAMS: WHAT'S HAPPENING IN THE STATES 34 (Angela Hulsey ed., 1993).

⁴⁶ THE BLUM CENTER FOR PARENTAL FREEDOM IN EDUCATION, MARQUETTE UNIVERSITY, EDUCATIONAL FREEDOM REPORT NO. 5, at 3-4 (Jan. 21, 1994).

community after community, state after state, adopt the instrumentalities of choice. With each incremental expansion, choice's invested constituency will grow and any roll-back will become increasingly untenable.

With the philosophical debate largely won, the real issue is not *if* we will have school choice, but *when*.