

## **Arizona Adopted a Universal Voucher Program—A Warning to Ohio**

The Arizona governor said the new law had “set the gold standard in education freedom...” An additional voucher fanatic tweeted, “Every red state in the country should follow the lead.”

Betsy DeVos and her devotees who champion the unconstitutional idea that states should fund the child—not the system declared victory.

### **School's out forever: Arizona moves "to kill public education" with new universal voucher law**

Families who bail on public school will get \$7,000 per kid in GOP's new scheme: "Every red state" urged to follow

By KATHRYN JOYCE

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Last Friday, while the country reeled from the Supreme Court overturning *Roe v Wade*, Arizona made history of a different sort. Legislators in the Grand Canyon State passed a universal school voucher bill that, once signed by Gov. Doug Ducey, will become the most wide-reaching school privatization plan in the country.

In his January State of the State address, Ducey called on Arizona lawmakers to send him bills that would "expand school choice any way we can," and the Republican-dominated legislature obliged, delivering last Friday's bill, which will open a preexisting program for Empowerment Scholarship Accounts (ESAs) up to the entire state. In practice, the law will now give parents who opt out of public schools a debit card for roughly \$7,000 per child that can be used to pay for private school tuition, but also for much more: for religious schools, homeschool expenses, tutoring, online classes, education supplies and fees associated with "microschools," in which small groups of parents pool resources to hire teachers.

Ducey said the law had "set the gold standard in educational freedom" in the country, and right-wing politicians and education activists quickly agreed. Corey DeAngelis, the research director of Betsy DeVos' school privatization lobby group American Federation for Children, declared on Twitter that Arizona "just took first place" when it comes to school choice. Anti-critical race theory activist Christopher Rufo — the Manhattan Institute fellow who this spring called for fostering "universal public school distrust" in order to build support for "universal school choice" — tweeted, "Every red state in the country should follow [Ducey's] lead," since the law "gives every family a right to exit any public school that fails to educate their children or reflect their values."

From the American Enterprise Institute, education researcher Max Edén happily concluded that "Arizona now funds students, not systems," deploying a formulation that has become common among conservative education activists, as when last week the Moms for Liberty network chastised Arizona public school advocates who opposed the bill as "system advocates" rather than "education advocates." From Rhode Island, anti-CRT activist Nicole Solas, a fellow with the right-wing Independent Women's

Forum, tweeted, "You know what happens when you abuse people? People leave you. Bye, public school."

And back in Arizona, the Goldwater Institute, a libertarian think tank founded in honor of former senator and right-wing icon Barry Goldwater, celebrated the law it had done much to create as a "major victory for families wary of a one-size-fits-all approach to education," plus a cost-saving measure to boot, since the total funding parents would receive through ESA vouchers is \$4,000 less than Arizona's already paltry per-pupil funding for public schools.

By contrast, Democratic politicians and public education advocates described the law as the potential "nail in the coffin" for public schools in Arizona, as Beth Lewis, director of Save Our Schools Arizona (SOS Arizona) put it.

"The Republican universal voucher system is designed to kill public education," tweeted former Arizona House Rep. Diego Rodriguez. "OUR nation's greatness is built on free Public schools. The GOP goal is to recreate segregation, expand the opportunity gap, and destroy the foundation of our democracy."

"I think it's a very serious mistake and the result will be that, within a decade, Arizona will have a very, very poorly educated adult population," added Carol Corbett Burriss, executive director of the Network for Public Education. "Maybe that's the game."

For years, SOS Arizona says, their state has been treated as a "laboratory for predatory national privatizers" of education. When Betsy DeVos founded another of her advocacy groups, Alliance for School Choice, on the 50th anniversary of the Brown v. Board of Education decision, as the progressive White Hat Research & Policy Group noted in a 2019 report, it was headquartered in Phoenix. When the Network for Public Education graded states' commitment to public education in a "report card" earlier this year, Arizona came in last. For years, the Goldwater Institute and its allies have advanced an array of programs to expand public funding of private schools, including, in 2011, shepherding the country's first-ever ESA program into law, and thus launching a national model.

The 2011 Arizona law that created ESAs — under which parents of eligible students who agreed in writing to opt out of public schools could receive vouchers ranging from \$3,000 to more than \$30,000 — was initially conceived in reaction to a conservative defeat. In 2006, just a few years after DeVos infamously called on conservative Christians to adopt "school choice" as a cause and a means of "greater Kingdom gain," Arizona passed two voucher programs. But three years later, both were found to be unconstitutional means of redirecting public funds to private schools.

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In response, the Goldwater Institute developed the ESA concept as a workaround, giving the public funds directly to parents to spend as they saw fit, including on sectarian schools. (While in Arizona, "ESA" refers to Empowerment Scholarship Accounts, the same abbreviation is also used to cover similar programs with different titles, like "education scholarship accounts.") To public education advocates like

Charles Siler, cofounder of the progressive political consultancy firm Agave Strategy, the program amounted to "a money laundering scheme to get around the Blaine Amendments" — the state-level amendments that, until another groundbreaking SCOTUS decision last week, barred taxpayer funds in most states from being used to fund religious schools.

But that's not how it was sold. From its inception, says Lewis, ESAs were presented as a solution for high-needs students who required specialized education options. Then they were systematically expanded to include group after group: students in F-rated schools, in foster care, in active-duty military families, on Native American reservations.

"The people who were pushing this through knew what they were doing — that they were going to expand this incrementally through sympathetic populations," said Lewis. "And it didn't raise huge amounts of opposition because people didn't see the game plan at the time."

"The basic sales pitch was that schools are failing, and don't meet the needs of children," agreed Siler. While today Siler is a progressive public education advocate, a decade ago he worked as a lobbyist and PR staffer for the Goldwater Institute, helping other states follow Arizona's lead in setting up ESA programs. "We definitely leaned into marginalized communities as much as we could. In Arizona, we started with special needs students. If we could use Black children as the face of our programs, we'd do it in a heartbeat, even though all of this is really about taxpayer-funded white flight and Christian nationalism."

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To demonstrate that point, Siler pointed to one of the figures who drove ESA and other conservative school privatization campaigns for years: Clint Bolick, who, before being appointed by Ducey as an Arizona Supreme Court associate justice, served as the Goldwater Institute's director of litigation, the first president of DeVos' Alliance for School Choice and cofounder of the Arizona libertarian law firm Institute for Justice. In the late 1990s, the New York Times dubbed Bolick the "political right's point man on race," for his two-year fight against the Civil Rights Act of 1991, his campaign against affirmative action and his work to scuttle the Department of Justice nomination of the late Lani Guinier, the first Black woman to be tenured at Harvard Law School, by labeling her a "quota queen." More recently, the White Hat report described Bolick's legacy as "primarily focused on laying the legal groundwork for a national disinvestment in public education in favor of free market education reforms."

But in 2017, says Lewis, Arizona's education privatizers overreached, passing a law providing for universal voucher expansion. In response, a grassroots group of educators and parents launched a citizens' initiative referendum campaign and put the issue on the ballot. In 2018, that led to a landslide repudiation of the law, with 65% of Arizonans voting against it — a nearly two-to-one margin.

As Arizona Republic columnist Laurie Roberts recently recalled, Arizona's voters "didn't just reject" the scheme: "They stoned the thing, then they tossed it in the street and ran over it. Then they backed up and ran over it again."

That came as a rude shock for the privatization movement, says Siler. "They thought Arizona was this playground where you could do whatever you want, see what works, then export it to Florida, Tennessee or wherever. This was the first time they had a big loss." But the win came with its own repercussions, Siler continued, as conservatives responded by taking steps to overhaul the citizen initiative process in Arizona, working to disqualify some ballot initiatives in court and crafting legislation that required new supermajorities to pass an initiative into law.

Now, less than four years after that public rejection of universal vouchers, Lewis says, Republican lawmakers have returned with a law that's even worse than the one passed in 2017, immediately making every child in the state who is already in private school or being homeschooled eligible for the new funds — leading to an immediate cost increase of nearly \$600 million, and opening the door for all of Arizona's 1.1 million public school students to follow suit.

Since Arizona pioneered ESAs in 2011, similar programs have been launched in a number of other states. Among conservative education reform advocates, they've become a favored model. Last July, as the right was ramping up its attacks on public schools over pandemic safety measures, CRT and more, the AEI's Max Eden warned that simply allowing public funding of private schools was an insufficient bulwark against "wokeness," since too many private schools were under the sway of accreditation bodies that had already "gone woke." Instead, Eden told the right-wing outlet Washington Free Beacon, state legislatures should promote ESAs, which would allow those funds to be spent on non-accredited schools — or almost anything else, for that matter.

In praising Arizona's new law this week, Eden wrote that ESAs represent "the purest form of school choice," adding that they might spark the proliferation of microschoools, opening what had been a "luxury good" for wealthy families during the pandemic to all Arizona families. He praised entrepreneurs who had transformed small microschoool pods into companies that now offer their curricula of "self-paced Chromebook lessons and group problem-based learning" to the broader public, as well as established charter school networks, like the Texas- and Arizona-based Great Hearts Academy, that have expanded into the microschoool business. (In 2018, Great Hearts drew national headlines after one of its Texas instructors directed students to list the pros and cons of slavery.) Eden also suggested that ESA-funded microschoools might become a boon for teachers, since educators who go freelance and successfully advertise their services to the parents of a dozen kids, could potentially "draw nearly \$80,000 in public funding," amounting to a higher salary than the median public school teacher pay, even after deducting their expenses.

But what Eden heralded as the entrepreneurial reboot of "the one-room schoolhouse" in private families' homes is seen in grimmer terms by public school advocates. Both microschoools and the sorts of private schools fueled by widespread voucher use, they say, tend to leave the quality of education students receive largely up to chance.

"It's easy to set up a one-room shop in a strip mall, give every kid a Chromebook and a plaid skirt, and tell parents they're on an accelerated curriculum." And it's just as easy for those schools to "close up shop whenever they want."

In Florida, as a 2017 Orlando Sentinel investigation found, massive voucher expansion led to the creation of low-cost but low-quality "voucher schools": private schools inexpensive enough that low-income parents could cover their tuition with voucher funds alone, but so poorly regulated that repeated problems arose — schools set up in decrepit strip malls, schools that violated health and safety requirements, schools that hired teachers without credentials. The same situation holds in Arizona, said Lewis, and even a Goldwater Institute report found that ESA benefits would only cover about two-thirds of the median tuition for the state's private high schools.

While the words "private school" conjure an image of stone and ivy in most people's minds, in school districts like South Phoenix, which primarily serves low-income families of color, Lewis said, "you're not going to all of a sudden have a gleaming new Notre Dame prep school."

"It's very easy to set up a one-room shop in a strip mall, give every kid a Chromebook and a plaid skirt, tell parents they're on an accelerated curriculum and take that \$7,000," said Lewis. But it's equally easy for those schools to "close up shop whenever they want," as numerous low-quality voucher schools have been known to do, leaving students stranded partway through the school year. When that happens, said Lewis, "There's no recourse to claw those funds back."

As Arizona's new law was making its way through the legislature, reported Arizona's 12 News, Democratic lawmakers tried to add accountability and transparency measures, including testing mandates, background checks for employees hired with ESA funds and demographic tracking to ensure the program wasn't just subsidizing private school tuition for rich families who didn't need it. But none of those things made it into the final bill, shot down by arguments like that of bill sponsor and House Majority Leader Ben Toma, who argued that parents must serve as the "ultimate authority. They know what's best for their children, and we should trust them to do the right thing."

Unfortunately, said Carol Corbett Burris, ESA programs have already demonstrated problems with that approach, through numerous cases of fraud, in which parents used the funds for things other than their children's education.

"There are no real checks to make sure children receive the education they deserve, no proof parents have to provide that their children learned," said Burris. Even among the vast majority of parents who would use the funds as intended, she added, "You have people with absolutely no education credentials in charge of students, and nobody checking to ensure the education is of any quality at all."

"It's like an insurance company giving parents of a sick child \$7,000 and saying, 'We don't care if you go to a physician or a dentist — take that money and do what you believe is best,'" Burris continued.

"Parents may know best about many things, but they're not professional educators any more than they are doctors, dentists or nurses."

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What's more, SOS Arizona pointed out, the ESA funds could also be used to send taxpayer funding to the sort of private school being established by Turning Point USA founder Charlie Kirk, who recently announced plans to start a network of anti-"woke" Turning Point Academies, first in Arizona, then around the country. The first such school, with more than 600 students, is set to open in Glendale this fall, as the result of a partnership between Kirk and Phoenix megachurch Dream City. According to Newsweek, the academy will ban CRT, the New York Times' "1619 Project" and what it calls "radical LGBT agendas." Those 600-plus students, Lewis notes, will add up to some "4 million taxpayer dollars that go straight into Kirk's academy."

On a larger level, the new law also speeds up the same sort of death spiral that has afflicted public schools across the country, by steadily draining funds away from public education. While the immediate cost of ESA expansion — for students already outside the public school system — will draw on Arizona's general funds, the money to cover children who leave public schools in coming years will be deducted from public school budgets.

"When that happens, especially in rural areas, if enough kids leave the system, they leave behind all kinds of stranded costs," said Burris. Schools will still have to pay staff and keep the lights on, but will receive substantially less support to do so. "Then you have a vicious cycle, where the quality of education in public schools starts to suffer, which means more people leave, and the more people leave, the more the quality of education deteriorates."

That problem is compounded, adds Lewis, by the fact that private and charter schools are allowed to "cherry-pick" high-achieving students without special needs, while leaving higher-needs students in public schools as those schools are systematically drained of the resources to teach them well. That pattern, she continued, already means that one of Arizona's top charter schools regularly starts each of its classes with hundreds of students, but only a few dozen remain by graduation, since the school has pushed most lower-performing students out. And if such charters convert into private schools, as they're allowed to do, ESA expansion will mean they get more money and even looser regulation.

"We know historically that when systems are opened up for everybody, students of color and low-income students never get the long straw, ever," said Lewis. "They use this terminology of choice, but what they fail to acknowledge is that it's the school's choice, every time."

Already, Arizona's investment in public education is dismal, ranking second-to-last in per-pupil funding nationwide. Last Friday, alongside the ESA expansion, Arizona's legislature also passed a budget that included a \$400 million increase in public funding — enough, SOS Arizona noted, to potentially nudge Arizona's ranking up to 45th-worst — but that's complicated too. As Network for Public Education founder Diane Ravitch noted earlier this month, only half of that money is recurring, and all of it is contingent upon the voucher bill becoming law. That "poison pill," wrote Ravitch, was a clear effort to preempt a replay of public education advocates' 2018 ballot initiative, by holding the increase in school funding hostage to a privatization agenda.

To SOS Arizona, it amounted to "adding more money to the top of our education funding bucket while drilling massive holes in the bottom."

"I think we're witnessing the dismantling of public education in our state," said Lewis. "Will it happen overnight? No. But the effects will be felt quickly and the blow to public schools will be unsustainable." If even a few kids leave a neighborhood school, the difference in funding is noticeable. If six or seven do, "that's a whole teacher [salary] down." In her own school, where Lewis teaches third grade, that sort of downsizing would mean the immediate increase of her class size of 27 students to more than 40. "Or do you make the cuts elsewhere? Do you cut special education, which has already been cut to the bone? Or music, arts and after-school programs, which have already been cut to the bone? Do you not have an assistant principal? Then how many students don't get what they need?"

"We are going to stop this by any means necessary," Lewis said, including electoral work, public education, and possibly another ballot initiative, even if that means risking the "poison pill" cancellation of the state's newly increased public school funds. "All options are on the table."

But all options, suggests Charles Siler, are also on the table for the other side. "One of the things people never fully comprehend is how far privatization advocates want to take things," he said. "They want to get rid of all public funding for education. Eventually vouchers will die off too." What will remain, he argues, will be a self-funded primary education system, funded by a lending market much as colleges are. Or as Lewis says, a "system of haves and have-nots."

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