

Professor Josh Cowen (Michigan State University)—The Year in Review: Dark Money Vouchers are Having a Moment

Professor Cowen, a renowned scholar, has researched the voucher movement for several years. His article, [The Year in Review: Dark Money Vouchers are Having a Moment](#), is a must read for those interested in this voucher movement.

The Year in Review: Dark Money Vouchers Are Having a Moment

by Josh Cowen

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Over the past 12 months, the decades-long push to divert tax dollars toward religious education has [reached new heights](#). As proclaimed by EdChoice—the advocacy group devoted to school vouchers—2023 has been the year these schemes reached “[escape velocity](#).” In strictly legislative terms, seven states passed new voucher systems, and ten more expanded existing versions. Ten states now run eleven universal voucher programs, all of which have no meaningful income or other restrictions.

But these numbers change quickly. As late as the last week of November, the Republican governor of Tennessee announced plans to create [just such a universal voucher system](#).

To wit: successful new voucher and related legislation has come almost exclusively in states won by Donald Trump in 2020. And even that Right-ward bent required substantial investment—[notably by heiress and former U.S. Education Secretary Betsy DeVos](#) and [the Koch network](#)—in state legislative campaigns to oust voucher opponents. Instructively, many of those opponents were often GOP legislators representing rural districts with few private schools to benefit.

As a scholar who has studied voucher systems—including through research [funded by conservative organizations](#)—I have been watching these developments with growing concern. It can all be difficult to make sense of, so let’s walk through it.

Vouchers Hurt Kids, Defund Public Schools and Prop-Up Church Budgets

First, why are these new voucher schemes such bad public policy? To understand the answer, it’s important to know that the typical voucher-accepting school is a far cry from the kind of elite private academy you might find in a coastal city or wealthy suburban outpost. Instead, they’re usually [sub-prime providers](#), akin to predatory lenders in the mortgage sector. These schools are either pop-ups opening to cash in on the new taxpayer subsidy, or financially distressed existing schools desperate for a bailout to stay open. Both types of financially insecure schools [often close anyway](#), creating turnover for children who were once enrolled.

And the voucher results reflect [that educational vulnerability](#): in terms of academic impacts, vouchers have some of the worst results in the [history of education research](#)—on par or worse than what COVID-19 did to test scores.

Those results are bad enough, but the real issue today is that they [come at a cost of funding traditional public schools](#). As voucher systems expand, they cannibalize states’ ability to pay for their public education commitments. [Arizona](#), which passed universal vouchers in 2022, is nearing a genuine budget

crisis as a result of voucher over-spending. [Six of the last seven states](#) to pass vouchers have had to slow spending on public schools relative to investments made by non-voucher states.

That's because most new voucher users were never in the public schools—they are new financial obligations for states. The vast majority of new voucher beneficiaries have been students who [were already in private school](#) beforehand. And for many rural students who live far from the nearest private school, vouchers are unrealistic in the first place, meaning that when states cut spending on public education, they weaken the only educational lifeline available to poorer and more remote communities in some places. That's why even many GOP legislators representing rural districts—conservative in every other way—[continue to fight against vouchers](#).

Vouchers do, however, benefit churches and church schools. Right-wing advocacy groups have been busy [mobilizing Catholic school](#) and other religious school parents to save their schools with new voucher funding. In new voucher states, [conservatives are openly advocating](#) for churches to startup taxpayer-funded schools. That's why vouchers eventually become [a key source of revenue](#) for those churches, often replacing the need to rely on private donations. It's also why many existing religious schools [raise tuition](#) almost immediately after vouchers pass.

The Right-Wing War on Public Schools

Victories for these voucher bills is nothing short of an ascendent Right-wing war on public education. And the link to religious nationalism energizes much of that attack.

Voucher bills have dovetailed almost perfectly with new victories for other priorities of the Religious Right. Alongside vouchers, anti-LGBTQ+ legislation has also increased: [508 new bills in 2023 alone](#), according to the American Civil Liberties Union. As has a jump [in legislation restricting book access](#) in schools and libraries, with more than half of those bans targeting books on topics related to race and racism, or containing at least one LGBTQ+ character.

It is also important to note the longstanding antipathy that [Betsy DeVos](#), the [Koch Network](#), and other long-term voucher backers have toward organized labor—including and especially in this case, teachers' unions. And that in two states that passed vouchers this year—[Iowa](#) and [Arkansas](#)—the governors also signed new rollbacks to child labor protections at almost the exact same time as well.

To close the 2022 judicial session, the Supreme Court issued its latest expansion of voucher jurisprudence in [Carson v. Makin](#), holding that states with private school voucher programs may not exclude religious providers from applying tax dollars specifically to religious education. That ruling came just 72 hours before the Court's decision in [Dobbs v. Jackson](#) removed reproductive rights from federal constitutional protections.

To hear backers of vouchers, book bans, and policies targeting [transgender students](#) in school bathrooms tell it, such efforts represent a new movement toward so-called "parents' rights" or "education freedom," as Betsy DeVos describes in her [2022 memoir](#). But in truth this latest push was a long time coming. DeVos is only one part of the vast network of Right-wing donors, activists, and organizations devoted to conservative political activism.

That network, called the [Council for National Policy](#), includes representatives from the [Heritage Foundation](#), the influential Right-wing policy outfit; multiple [organizations funded by Charles Koch](#);

the [Leadership Institute](#), which trains young conservative activists; and a number of state policy advocacy groups funded by a conservative philanthropy called the [Lynde and Harry Bradley Foundation](#).

It was the Bradley Foundation that seeded much of the legal work in the 1990s defending early voucher programs in state and federal courts. Bradley helped to fund the [Institute for Justice](#), a legal group co-founded by a former Clarence Thomas staffer named Clint Bolick after a personal donation from Charles Koch. The lead trial attorney for that work was [none other than Kenneth Starr](#), who was at the time also in the middle of his infamous pursuit of President Bill Clinton.

In late 2023, the Institute for Justice and the voucher-group EdChoice [announced a new formal venture](#), but that partnership is just a spin on an older collaboration, with the [Bradley Foundation](#) as the tie that binds. EdChoice itself, when it was called the Milton and Rose D. Friedman Foundation, [helped fund the data analysis](#) cited [by Institute lawyers](#) at no less than the Supreme Court ahead of its first decision approving vouchers in *Zelman v. Simmons-Harris* (2002).

From these vantage points, 2023 was a long time coming indeed.

And heading into 2024, the voucher push and its companion “parents’ rights” bills on schoolbooks and school bathrooms show no sign of weakening.

Prior to his political career, the new Speaker of the U.S. House of Representatives, Mike Johnson, was [an attorney with the Alliance Defending Freedom](#). That group, which itself has deep ties [to Betsy DeVos’s family](#), has led the legal charge to rollback LGBTQ+ equality initiatives. It was also involved [“from the beginning,”](#) as its website crows, in the anti-abortion effort that culminated with *Dobbs*.

The Heritage Foundation has created a platform called Project 2025, which serves as [something of a clearinghouse](#) for what would be the legal framework and policy agenda for a second Trump Administration. [Among the advisors and funders](#) of Project 2025 are several organizations linked to Charles Koch, Betsy DeVos, and others with ties to the Council for National Policy. The Project’s [education agenda](#) includes dismantling the U.S. Department of Education—especially its oversight authority on anti-discrimination issues—and jumpstarting federal support for voucher programs.

A dark money group called [The Concord Fund](#) has launched an entity called Free to Learn, ostensibly organized around opposition to the teaching of critical race theory in public schools. In reality, these are active players in Republican campaign attacks around a variety of education-related culture war issues. The Concord Fund is closely tied to [Leonard Leo](#), the Federalist Society chief, [Council of National Policy member](#), and architect of the *Roe* takedown. Through the Leo connection, the Concord Fund was also [instrumental](#) in confirming Donald Trump’s judicial nominations from Brett Kavanaugh on downward.

And so while the 2023 “parents’ rights” success has been largely a feature of red state legislatures, the 2022 *Carson* ruling and the nexus between Leonard Leo, the Alliance Defending Freedom, and the Institute for Justice itself underscore the importance of the federal judiciary to Right-wing education activism.

Long-term, the goal insofar as school privatization is concerned appears to be nothing short of a Supreme Court ruling that tax-subsidized school vouchers and homeschool options are [mandatory in](#)

[every state](#) that uses public funding (as all do) to support education. The logic would be, as [Betsy DeVos herself previewed](#) before leaving office, that public spending on public schools without a religious option is a violation of [Free Exercise protections](#).

Such a ruling, in other words, would complete the destruction of a wall between church and state when it comes to voucher jurisprudence. Earlier Court decisions have found that states *may* spend tax dollars on school vouchers but, as the Right's ultimate goal, the Supreme Court would determine that states *must*.

Closer on the horizon, we can expect to see each of these Right-wing groups acting with new energy as the 2024 campaign season heats up. The [president of the Heritage Foundation](#)—himself [yet another member](#) of the Council for National Policy—has recently taken over the think tank's political arm, called Heritage Action. At the start of the year, investigative reporting linked Heritage Action to earlier [voter suppression](#) initiatives, signaling potential tactics ahead.

And the money is going to flow—they have all said as much. After Heritage's merger of its policy and political arms, Betsy DeVos's American Federation for Children followed suit by creating the [AFC Victory Fund](#)—a new group to spearhead its own campaign activity.

Their plan includes a \$10 million base commitment to ramp up heading into 2024. "Coming off our best election cycle ever," AFC's announcement declared, "the tectonic plates have shifted decisively in favor of educational freedom, and we're just getting started." And, they warned:

"If you're a candidate or lawmaker who opposes school choice and freedom in education – you're a target."

In that threat lies the reality of the latest voucher push, and of this moment of so-called parents' rights. None of this is a grassroots uprising. "Education freedom" is a top-down, big-money operation, tied to every other political priority of religious nationalism today.

But coming at the end of this past year's legislative successes, AFC's warnings are also a very clear statement of what is yet to come. The push to privatize American education is only just getting started.

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[The Year in Review: Dark Money Vouchers | Washington Spectator](#)

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