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## **Some good news and bad news about vouchers from Josh Cowen's May 1 Newsletter as he concludes his fellowship with the Education Law Center and Public Funds Public Schools**

Hey Everyone,

So, this is my second-to-last newsletter with the great team at [Education Law Center](#) and [Public Funds Public Schools](#). Although we'll all still be working together in the fight for kids and families across the country, our formal collaboration will end when my fellowship wraps up in mid-May. I'm going to save my fifteenth and final newsletter to look back on the past year and look ahead into the future, but for this one I want keep focused on the state of play.

First, Some Good News

Let's start with a few pieces of good news.

In Utah, a [state trial court ruled](#) that the voucher scheme violated the state constitution.

Kansas passed its state budget [without expanding its voucher scheme](#) as [Republicans wanted to do](#) this spring.

[In North Dakota](#), the Republican governor actually vetoed the legislature's voucher proposal along with lawmakers' efforts to further censor public school libraries. In his veto message on the latter, Governor Kelly Armstrong argued the library bill "represents a misguided attempt to legislate morality through overreach and censorship" and "imposes vague and punitive burdens on professionals." Although Armstrong said he supports school choice conceptually, the voucher bill, in his words, "falls far short of truly expanding choice as it only impacts one [private] sector of our student population."

All of this means that right-wing billionaires don't always win—even when it comes to their GOP allies. It's possible to delay and even stop the so-called inevitable. The rush to vouchers is neither a mass movement of parents nor a tidal wave of history. It's just an ongoing demand for a garden variety special interest subsidy that happens to be backed by some of the wealthiest people on the planet. Things change, and they will again.

A Last Word (for now) on Texas

But let's be real, it looks pretty bleak in a lot of places if you're a supporter of public schools and of public investments in kids and families.

On May 3, Texas Governor [Greg Abbott signed](#) the massive school voucher scheme demanded of him by right-wing billionaires, from Betsy DeVos to Pennsylvania's [tech and crypto bro Jeff Yass](#). A photo of [Yass himself](#) celebrating at Abbott's signing ceremony at the governor's

mansion was captured by a Houston Chronicle reporter. But that didn't stop right-wing media outlets from continuing to pretend this is all about real parents and families.

In fact, just before the voucher scheme passed a couple weeks ago, a handful of Republicans were getting ready to cross the aisle and work to put the voucher issue directly to Texas voters this fall. [A last-minute call from Donald Trump](#) himself to GOP legislators scuttled that effort, and in the end they went along with the plan to keep voters from having their say.

Meanwhile, the public school funding bill passed by the Texas House [stalled in the state Senate](#), threatening key resources depended upon by the vast majority of Texas families. The bill includes negotiated per-pupil increases and other investments—not enough, but something. I assume at some point some form of a school spending bill will have to pass, but the fact that vouchers for wealthy families are now law in Texas, and public school spending is still in limbo, tells you everything you need to know about these guys' priorities.

The Supreme Court Considers Religious Public Schools

[The U.S. Supreme Court just heard](#) the Oklahoma Statewide Charter School Board v. Drummond case about the proposed St. Isidore of Seville Catholic Virtual School. We'll have to wait until late June or early July to find out whether the Court's conservative majority will overrule the Oklahoma (also conservative) Supreme Court by allowing religious charter schools to operate.

One thing I want to stress while we wait is that, like the proposed federal voucher scheme, a Supreme Court ruling that public charter schools can be religious schools would have massive implications for states across the country regardless of partisan political leaning. And if the Court imposes religious charters, it doesn't quite seem in line with the notion of sending education back to the states.

[I've made clear](#) that my own opposition to such developments isn't about religion or even school choice. I've long argued that there is a role in today's array of public schools for non-profit and secular charter providers to serve kids and families—as long as there's strong oversight to make sure those kids and families are well-served. So too with common sense public school choice programs for intra- and inter-district enrollment. But let's be clear: church-based public schools are neither common sense nor parental choice. It's one more radical and extreme plan to erode First Amendment protections between individual religious practices and public policy.