

Battles for School Choice

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Purpose

Education is widely regarded as one of the most critical aspects of society with great potential when successful and dire consequences when neglected. How to best arrange and manage a national education system is fought over constantly in the United States and around the world. Dominating this debate are sides that can be grouped into those who believe education is too important to be subject to the forces of a free market and those who believe education is too important to be subject to a government monopoly. Each side has selected their own set of purposes and goals to be chased while educating children and determined what appears to them, to be the most effective way to reach those goals.

An education system that provides standardized and equalized education to every child in America while forcing divergent cultures to come together cooperatively is mutually exclusive with a freedom based education system that bends and grows to match the needs of the economy it feeds into and gives individuals and groups the right to make the choices that impact their futures for themselves. There is no ending to this policy debate that does not produce a loser, be it those who wish for education choice, those opposed to it, or everyone if no choice is made and the nation continues trying and failing to have it both ways.

Across the nation school choice is available to some students. In the most extreme cases school choice is available only to those whose parents can afford private school tuition or homeschooling. Some nations have outlawed homeschooling but American culture and the state level nature of education policy makes that an unlikely

outcome here. The fates of the lower and middle classes are less certain and subject to the results of political battles. Even without formal school choice, families have a certain amount of “tiebout choice” in deciding which school districts to send their children to and the disparity is stark.

To this debate I seek to bring a greater understanding of the conditions under which school choice models are most likely to pass and fail. This may save resources for both sides by convincing involved parties to abandon unwinnable fights. Hopefully those resources will ultimately work towards improving our children's futures.

Purpose of the study:

This study seeks to determine the influence of political economy on the legal implementation of different state level school choice models within the U.S. Since the introduction of modern school choice models. These measures of political economy are often measures of what is perceived as opposed to accurate representations of reality because individuals make decisions and cast votes based on what is believed, not necessarily what is true.

Research question:

What measures of "political economy" most accurately predict the success of a school choice law?

For the purposes of this study, “school choice law” refers to laws establishing or limiting Charter Schools or tuition voucher programs. Charter schools are privately run but publicly funded schools that operate outside the control of school districts. School

Voucher Programs are programs that attach a portion of the per-pupil funds spent on educating children to the children themselves so that they may be received by whoever takes on the responsibility of educating them, usually with the stated purpose of opening private school options to families that could not otherwise afford them.

This study does not include Magnet Schools, which are schools run by public school districts but intended for students not well served by traditional public schools, including gifted and alternative programs.

Homeschooling and private schools are options for families that do not wish to send their children to schools run by the state. However, taking advantage of these schooling options is prohibitively expensive, so policy battles involving school choice typically take place through charter or voucher laws.

By examining the outcomes of state level legislation across the nation, either pushing for or “pulling” against specific school choice models and examining the context of those outcomes, we can learn about the political viability of specific school choice models. Both in terms of “overall viability” and their chances of success within a given political economy. For the purpose of this study “political economy” will refer to relevant population demographics, active lobbying organizations and the holders of political power at the time of the legislation in question.

Education policy typically views children, parents and teachers as the key stakeholders of any inquiry, this study however will more directly impact those involved in making education policy. This study is designed to help those involved with making education policy to make strategic decisions about their efforts.

Literature Review

Understanding School Choice:

A crucial element of the school choice debate is the question of performance. Students who take advantage of school choice options consistently outperform counterparts but depending on which factors are controlled for and how they are controlled those results can be mitigated, nullified or reversed.

Caroline M. Hoxby ([Hoxby, 2000](#)) establishes several important components of school choice and specifically relates it to tiebout choice. She demonstrates that even within the public school system, school choice and school quality are directly related and that areas with greater school choice cause less families to turn to private schools.

For my purposes this is valuable as evidence for the benefits of school choice on an economic level, at least within the public school arena. Extrapolating this use of tiebout choice into a general argument for school choice beyond address based school assignment will require more work. Additionally there are social justice concerns that the benefits of greater tiebout choice are felt more strongly by non-minority and wealthy families.

Jesse Rothstein submits a refutation ([Rothstein, 2007](#)) of Caroline M. Hoxby's results and data used to link tiebout choice to school quality. He questions her proxy variable for tiebout choice (number of streams) and challenges the definition used for it. He also raises questions of errors in her data collection and coding. He also challenges the significance of her results and their accuracy. Although he does not accuse her of

intentional bias or dishonesty in her reported results he suggests the presence of selection bias.

In her reply to a reply, ([Hoxby, 2007](#)) Hoxby defends the validity of her data and refutes most of Rothstein's points. For the purposes of my research this article shows, more than anything else, how hotly contested the issue of school choice is.

Although consensus about the influence of tiebout choice on public schools has not been reached, the tiebout choice available to parents and students, at minimum, has the potential to influence their perception of school quality and agency in one way or another. Following this logic, states with differing densities of school districts may see an impact to the success rates of education choice policy interventions. **With this exchange in mind I hypothesized that greater perception of available tiebout choice would lead to less demand for school choice options.** Because tiebout choice in education is based on where an individual chooses to live, one cannot help but participate in it without leaving the public school system. To understand the costs and benefits of school choice programs one must first grasp who will take advantage of those programs and under which circumstances.

In this study ([Cullen, Jacob & Levitt, 2004](#)) an examination is performed of the Chicago Public School system focusing on its open enrollment policy. Over half of public school students in Chicago chose to attend a public school other than the one they would have under strict address based school assignment. For my purposes, this study is valuable both in demonstrating the importance of taking student qualities into

consideration as well as pointing out the value of career academies (considered magnet schools for my research).

Chang-Tai Hsieh and Miguel Urquiola ([Hsieh & Urquiola, 2005](#)) examine an example of Chile's nationalized voucher program and focus on the fact that it failed to significantly increase the average performance of students despite its popular usage. Their results suggest that the voucher program as implemented served mostly to sort students. They posited that a potential explanation for the results was a lack of incentives for competition to the public schools.

For my research it is valuable to have a comparable context in which a voucher program was not objectively a success in terms of implementation. Chile, with a population of 17 million is comparable in size to the state of New York so in terms of scope its federal decisions are comparable to state level legislation, although the legal process is distinct. **This study lead me to hypothesize that, compared to charter schools, voters will be more hesitant to accept voucher programs.**

In *School Choice and Segregation by Race, Ethnicity, Class, and Achievement* (Mickleson, Bottia, & Southworth) the prevailing arguments in favor of school choice are outlined and discussed. Of particular interest to my project is considerations towards racial equity. This paper cites school choice measures as a popular reaction to the "...slow pace of school improvement in many low-performing urban schools...", as well as the persistent achievement gaps by race "...despite decades of compensatory education and desegregation efforts". They also cite a school choice proponent who speculates that school choice could be the "silver bullet" for school improvement overall.

For these reasons I expected school choice policy success to be more frequent with lower proportions of white people.

Understanding Political Feasibility:

Gupta explains The Feasibility Assessment Technique (FAT) in practice as well as explaining its ideal use (Gupta, 2001). The FAT enables researchers to evaluate factors in a potential political decision by assessing actor strength and their willingness to use that strength to influence the given issue.

For my research I used the FAT to enhance my understanding of political economies and increase the quality of the data I collected. Understanding feasibility assessment lead me to measure the influence and resources of parties not immediately associated with school choice policy.

American Teachers Unions are collectively one of the single strongest political actors preventing the implementation of school choice policy. Winkler, Scull and Zeehandelaar are able to strongly assess both the relative strengths of teachers unions state by state as well as their absolute power in the political arena ([Winkler, Scull & Zeehandelaar, 2012](#)). This article is an exceptional reference and insight into a major portion of the political economies that make decisions about students futures. Although the mechanisms of assessment are not entirely transparent the rankings they produced are built by averaging rankings in sub categories (or the data that composes them) that could each be tested against school choice law success rates on their own to better understand the impact of teachers unions on school choice laws. **I hypothesize that**

the states with the strongest teachers unions would see the least success in school choice laws.

In their study (Manna & Harwood 2011) of state level education policy Manna and Harwood test for relationships between their data and aspects of the states political environment, including: whether the governor appoints the chief education officer, the number of school districts, the party alignment of the governor and legislature, poverty rates, racial makeup and union strength. For my study I use several of the same aspects of political economy (race, governors political party, dominant party in legislature, the political alignment of the chief education officer, union strength and number of school districts). I also additionally include: Whether the state has a referendum process, and the presence of the given school choice model already being present in neighbor states. **I expected Republican party affiliation in all cases to correspond with school choice law success and Democrat party affiliation in all cases to correspond with school choice law failure.** I expected teachers union strength to negatively relate to school choice law success.

Manna and Harwoods aspects of political economy effectively capture the relevant political economy of their issue which conveniently largely overlaps with school choice policy, for this reason I will be using several but not all of their chosen aspects of political economy.

Population demographics also play a major role in political viability. Brooks and Manza, in demonstrating the trends of social cleavages based on race, sex and other

traits ([Brooks & Manza, 1997](#)) also show that such cleavages do verifiably exist. For my study it was not critical to differentiate between race as a direct influence on voting habits or an indicator of other influences, I needed only establish that racial population demographics can influence the political arena. Party affiliation also impacts the chances of success of any law and school choice is no exception. School choice in the form of voucher programs and charter schools have very mixed political support compared to other political debates but the Republican party is more friendly to the idea of privatized school choice while Democrats tend to prefer supporting public schools (or otherwise oppose privatizing education) ([Kamentz, 2017](#)).

Because chief education officers for different states are selected by varying methods I can test for differences not only in the espoused party affiliation of the individual holding the position (and the strength of that preference) but also differences in the nonpartisan methods used in selecting a states chief education officer. I hypothesized that politicians (Governors, Legislatures and qualified electors) would favor school choice laws while education professionals would oppose them. Because direct election is a political battle I grouped CEO's selected by general election with other politicians for the purposes of my hypothesis. State Governors all wield some form of veto power ([NGA, 2015](#)), influencing the success rates of laws, particularly those that the governor does not support. In addition to party based influence on political feasibility, the ability for citizens to go around elected officials could also play a role.

Dennis Polhill performs a study ([IRI, 2018](#)) ([Polhill, 1996](#)) of the colorado referendum process providing key arguments for and against citizen created legislation

and more importantly for my study, demonstrating that their presence as a political option can influence what laws are passed in a state with a referendum or initiative process. **States with a referendum process have an additional avenue for policy change and may be more receptive to the wishes of voters at large as opposed to professional policy entrepreneurs. I suspected that this avenue would encourage education choice**, especially in states dominated by democrats normally unfriendly to education choice.

Diffusion theory ([BUSPH, 2016](#)) states that a social group will not normally adopt an innovation (in this case states adopting a school choice policy intervention) simultaneously. Instead subgroups within the larger whole will adopt at different phases that are dependent on the actions and adoption status of others within the whole. I **suspected the presence of a similar school choice model in a neighbor state to have some influence on success rates of education choice policy**. One could logically expect increased first and second hand knowledge (through friends, family and former residences) of school choice options to have some effect on the success rates of school choice policy. Divorcing this effect from the regional political trends around the nation may not be possible but a stronger correlation between neighbor state laws than sitting politicians would suggest Diffusion Theory applying to the adoption of school choice policy, raising questions of what phase of adoption the country is in currently, what needs to be done to prevent or accelerate adoption and who is considered a member of the “whole”.

Methods

To collect data I used legislative compiling services to find as many examples of state level school choice legislation as possible. These examples were verified using government websites and other third parties. Then I collected state level political data corresponding to each example of school choice legislation such as the political party affiliation of the governor during the given year. After creating a snapshot of the “political economy” for each law I performed statistical tests to measure which aspects or combinations of aspects of that political economy correlate the most strongly to success of school choice policy interventions.

Although many bills regarding education choice are passed regularly throughout the nation I will attempt to focus on those that directly create/abolish or support/limit various school choice options. This means passing over those that merely adjust or flesh out existing law.

In collecting data regarding the presence of a given school choice model within a neighbor state I chose to count adjacent states that only touch on a corner (as Arizona to Colorado for example) but I did not count states passing a law for the same school choice model in the same year, as the measure attempts to capture first and secondhand experience with those choice models, while nearly simultaneous policy interventions cannot grant that experience. I also chose to set the variable at a Yes/No level instead of counting the number of neighbor states with the given school choice model. Should my results indicate program presence in neighbor states as a key

indicator of success or failure recoding the data is possible. Delaware was considered to share a border with New Jersey. Minnesota had a voucher (tax credit) program from 1971 to 1973 until it was repealed, this was not counted towards the measure of programs in neighbor states.

State Chief education officers are not uniform across the nation. States can chose to elect people to the position directly or they can be appointed. The titles of these positions and whether candidates are obligated to specify a political party preference can also vary. In my data directly elected candidates with declared political party preferences are codified with their party, if they are appointed by an individual with a declared political party preference that individual can be assumed to at least be politically friendly to the appointee and the party affiliation of the chief education officer can be proxied and derived from the individual who appointed them. In cases of direct election without stated political party preference, non partisan positions, chief education officers appointed by a board or group of people, and other party ambiguous scenarios are all codified as non partisan.

Conspicuously excepted from my data are magnet schools. While I initially intended to include them in my analysis preliminary research rendered this unviable. I quickly learned that school districts are capable of opening magnet schools at any time, not needing a state law to tell them when to do so. I did encounter some instances of states that were required to open magnet schools by their supreme courts in the effort to fight segregation but these instances are relatively divorced from the political economies that I studied so they were left out of the final data.

Also missing from my data are instances of failed attempts at school choice legislation. This study was initially designed to determine overall preference between types of school choice programs but a closer examination of political economies and the conditions of success was ultimately favored.

Operational definitions:

Political economy: Within each state is a veritable ecosystem of political forces.

Teachers unions, school choice advocacy groups, political leaders and even the major political parties can be considered parts of this political economy and influence voters based on the expressed opinions of the individual or organization in question. To gain a sense of the political economy of a given state their sitting politicians and population demographics (party registration, union membership, income brackets ect) can be used.

For this study I used: Year, Governors political party affiliation, party control of state legislature, teachers union strength, the presence of a referendum or initiative process in the states legal system, the presence of a similar program in neighbor states, the density of school districts in the state, the proportion of the states population that is white, the partisan affiliation of the states chief education officer and recent party control switches in the states governors office or legislature.

School Choice Laws: For this study any state level legislation that has been formally proposed and would result in the implementation of or additional support of charter schools or school voucher programs.

Success: A school choice bill that is passed into law and is enacted fully without a premature ending. For example a law with a built in sunset that is never renewed and is allowed to phase out is still considered a success while a law that is overturned by a court or is somehow stopped through executive power is considered to have failed.

Support: Of primary interest to my research are laws which directly authorize the creation of a school choice program. Also significant to understanding the political economies surrounding school choice are what I call support laws. These laws do not directly create a new school choice program but enhance a program or program already in place through actions including but not limited to: Expanding funding, raising or removing caps on the number of schools or students, streamlining the new school application process, removing roadblocks from the new school application process, expanding student eligibility requirements and definitions, and expanding the geographical scope of the program.

Accountability: Laws which directly and intentionally restrict existing school choice programs are considered to be accountability measures. These restrictions can take any form that is the inverse of a school choice support law as defined above :reducing funding, adding or reducing caps on the number of schools or students... etc.

Variables:

My study uses the single dependent variable of political success. School choice laws are considered to be “successful” if they became law and, at the time of data collection, had not been repealed or otherwise removed from effect.

For measures of party control the Republican party is coded as -1, the Democrat party is coded as 1, and independent, nonpartisan or split control are all coded as 0. Under this system the average value for a given set of school choice laws will fall between -1 and 1 where absolute value represents strength of apparent correlation with a given party. For example an average value of -1 signifies that one hundred percent of laws in that given set of school choice laws were passed while the republican party controlled the body or office in question.

Other dummy variables represent the answers to simple yes/no questions.

- Does the state have a referendum *and/or* Initiative process?
- Do any state’s sharing a border with the subject state already have a law on the books authorizing this type of school choice law?
- Did the state’s governor’s political party switch in the year prior to the passage of this law?
- Did the majority party in the state legislature switch in the year prior to the passage of this law?
- Is the chief education officer of the state a partisan position?

In cases where the answer to these questions is “yes” a 1 is input, when the answer is “no” a 0 is input, so that each of these measures can be averaged and assigned a value between 0 and 1. For example, if every single law of a particular set was passed under a nonpartisan chief education officer, a value of 0 will be assigned for that measure.

For Independent variables my study uses:

- 1) Date: The year of the legislative session in which the bill was subject or the year that it became law.
- 2) Program Type: As segregated into: Charter School Program Authorizer (C), Charter School Program Support (CS), Charter School Program Accountability, School Voucher Program Authorizer (V), And School Voucher Program Support (VS). I collected no instances of laws being passed to introduce accountability to or limit school voucher programs (would be coded VA). On a qualitative level it seems that successful legal action against school voucher programs tends to eliminate them entirely by ruling some portion of them unconstitutional, this is not unheard of for charter school programs. Laws regarding magnet schools were initially collected however individual school districts are capable of authorizing them beneath the state legal level and statewide legal mandates for magnet schools usually reflect specific circumstances (such as state supreme court decisions to fight school segregation).

- 3) Governors stated political party affiliation: Coded as Republican(-1), Democrat(1) or Independent(0). I hypothesized that both charter schools and school voucher programs would be more likely to find success under republican governors than democrats.
- 4) Party control of state legislature: Coded as Republican(-1), Democrat(1) or Split(0). States with one house controlled by Republicans and the other by Democrats are considered split. If either of a states houses bears even representation between Republicans and Democrats it is also listed as split. Nebraska only has one legislative house and its party control for this study is defined by simple majority in that house. I hypothesized that both charter schools and school voucher programs would be more likely to find success under a republican controlled legislature than a democrat controlled legislature.
- 5) Presence of Referendum or Initiative process. Coded on a simple Yes/No level (1/0) I chose only to take into account initiative and referendum processes. No special accounting was done for states that might have both processes as the impact of the ability of citizens to directly submit potential laws (going around their elected leaders) is all that I sought to capture in this variable. 27 states out of 50 have a referendum or initiative process. I hypothesized that initiative and referendum processes decentralize power and would show some positive relationship with school choice.
- 6) Teachers Union Strength: An ordinal ranking of the teachers unions within all fifty states based on resources, membership, influence and a variety of other

measures of political strength. Although Washington DC was included in the study of teachers union strength rankings I left it out of my data collection process and adjusted the ranks of other states according to their absence. I hypothesized that stronger teachers unions will be more capable of blocking school choice laws in political battles.

- 7) Chief Education Officer Party Affiliation: In some states the chief education officer is a directly elected partisan position or is appointed by an individual who holds a directly elected partisan position. In these cases the stated party preference of the officer or the person who appointed them is listed as Republican or Democrat (-1/1). States where the chief education officer is a directly elected but non partisan position or multiple, potentially conflicting, authorities are involved in the chief education officers selection process are coded as Non Partisan (0). Chief education officers solely appointed by nonpartisan individuals or independent individuals are also coded as Non Partisan (0). I hypothesized that both charter schools and school voucher programs would be more likely to find success under republican chief education officers than democrat chief education officers.
- 8) Presence of program in neighbor states: For each school choice law I checked each other state that shares a border with it (including touching corners) for the presence of the corresponding program in the year prior or earlier. All voucher laws (Authorizers, support laws and accountability laws) mark a "Yes" (1) if any neighbor state has an active school voucher program at the time the subject law is being decided on. No extra accounting is performed for multiple neighbor

states with active programs. The same is done for Charter school laws. The use of this variable is an attempt to capture diffusion theory if it exists in school choice legislation. As such the presence of matching programs in neighbor states is marked positive (1) even for “negative” accountability laws that restrict the function of school choice policy interventions so that my data can also capture the diffusion of negative attitudes towards school choice models. I hypothesized that school choice policy is subject to diffusion theory and will show some preference towards a neighbor state already having a similar law in place.

9) School District Density (Spatial): In order to capture relative Tiebout choice in education between states I divided the number of school districts a state by its total land area. School district counts are current and can be expected to be less accurate for data points in the distant past. I hypothesized that greater school district density will result in greater tiebout choice reducing the demand for legal school choice interventions.

10) School District Density (population): As a secondary measure of Tiebout choice I divided the number of school districts in the state by its total population. Total population figures were derived using the same methods as for variable 12 with census data for total population substituted for the proportion of the population that identifies as nonhispanic white. School choice laws passed after 2016 use the 2012-2016 population numbers. Because this variable also attempts to capture Tiebout choice my hypothesis for its outcome was the same as variable 10.

11)Percent White: Using census data I calculated the total percentage of a states population that reported as non-hispanic “white” for 1980, 1990, 2000, 2010 and a poll conducted over the course of 2012-2016. I then assumed linear change between each census year and calculated the population percentage white for each year between censuses. $Y=V_1+((V_2-V_1)/10)X$ Where Y= The percent of a states population that identifies as non-hispanic white, V_1 =The earlier census year, V_2 = The latter census year and X= the number of years since the earlier census year. School choice laws passed after 2012 use 2012-2016 population numbers. Because many school choice laws are targeted at low income or urban families I hypothesized that the proportion of a states population that is white would negatively relate to the chances of a school choice law succeeding. .

12)Governor switch party last year?: To capture the impact of a “policy window” created by change in the governor's office. This measure checks the stated political party preference of the states governor in the year prior to the year of the subject school choice law. If the governor during the previous year was of the same party as the governor during the subject year a 0 is entered, otherwise a 1 is entered. This measure also captures governors that switch parties mid term. I hypothesized that a shift in the “politics stream” in the form of a new party controlling the governor's office could functionally open the policy window for school choice. Beyond the yes/no question of a governor party switch I also examined the direction of the switch, from Republican to Democrat or vice versa. I hypothesized that these switches would be most common with a Republican

coming into office and with a Democrat leaving office. My data found no instances of independent governors in cases of school choice laws with a governor party switch.

13) Legislature switch party last year?: To capture the impact of a “policy window” created by change in the state legislatures political party affiliation. This measure checks the stated political party preference of the majority within a states legislature in the year prior to the year of the subject school choice law. If the majority party within the state legislature during the previous year was the same as the subject year a 0 is entered, otherwise a 1 is entered. This measure counts majority scenarios that switch to ties and vice versa in either house as a switch in legislature party control (1). I hypothesized that a shift in the “politics stream” in the form of a new party controlling the state legislature could functionally open the policy window for school choice. Beyond the yes/no question of a switch in the party control of the legislature I also examined the direction of the switch. Including: Republican into Democrat and vice versa (R into D, D into R), Republican to independent or mixed control (R into I), Democrat to independent or mixed control (D into I), independent or mixed control into Republican or Democrat (I into R, I into D) and independent or mixed control into a different form of independent or mixed control (I into I). I hypothesize that these shifts will show a more positive relationship with school choice as Republicans come into power, more negative as Democrats come into power and more middling as Independents or split control legislatures come into power.

14) Type of selection process for chief education officer (CEO): The selection process for the chief education officer is distributed among 5 decision making bodies. The selection process is often the shared duty of multiple decision making bodies. As a result the interest for my study will lie in the proportional representation of each body when compared to the totals accumulated by the fifty states. These bodies are: The State Board of Education (B), Governor (G), General Election (E), Legislature (L) and Qualified Electors (O). California is the only state with a CEO elected by nonpartisan popular vote. New York's CEO is elected by a body known as the Board of Regents similar enough in function and form to a board of education that it is coded with them. Rhode Island has a council of Elementary and Secondary Education separate from the state Board of Education that is involved with its CEO selection process. Virginia is the only state where the entire state legislature is involved in the CEO selection process instead of just the senate. Oregon's governor is their chief education officer and directly elected but was coded as (G) because they have to run and be elected as a governor representing many issues, but receive unilateral control over the position. Frequency data for both school choice and accountability laws sees boards of education as the most frequent players in determining CEO's. To analyze proportional rates I had to divide each national total by fifty to determine its proportional representation across the nation. Then I had to divide my frequency statistics by the number of datapoints in their contributing tables. I expected state boards of education to be least friendly to school choice while

governors and legislatures would be most likely to select CEO's that would assist school choice. I also expected directly elected CEO's and those chosen by qualified electors to be more friendly to school choice than state boards of education but less so than governors and legislatures. [CEO Selection Tables](#)

15) Partisan Chief Education officer: This variable captures the influence of the state chief education officers as a partisan or nonpartisan position regardless of the controlling party at the time. This measure is the absolute value of the "Chief Education Officer Party Affiliation" variable. Out of the fifty states in the union observed for this study, twelve have partisan chief education officers. I hypothesized that Chief Education Officers that are partisan would have a positive relationship with school choice laws.

Hypotheses:

With this study I set out to test these seventeen hypotheses.

1. Charter school laws are easier to pass than school voucher laws.
2. Republican governors have a positive relationship with school choice law.
3. Republican controlled Legislatures have a positive relationship with school choice law.
4. Republican chief education officers have a positive relationship with school choice law.
5. Referendum and/or initiative processes have a positive relationship with school choice law.

6. Strong teachers unions have a negative relationship with school choice laws
7. Diffusion Theory applies to school choice law.
8. Tiebout choice has a negative relationship with school choice law.
9. Proportions of state populations that are non-hispanic white have a negative relationship with school choice law.
10. A recent shift in the political party affiliation of the governor's office has a positive relationship with school choice law. This relationship will be stronger when shifting into a Republican governor.
11. A recent shift in the political party affiliation of the legislators making up the majority party of the state legislature has a positive relationship with school choice law. This relationship will be stronger when shifting into a republican controlled legislature.
12. Partisan chief education officers have a positive relationship with school choice law.
13. Chief education officers selected by governors have a positive relationship with school choice law.
14. Chief education officers selected by legislatures have a positive relationship with school choice law.
15. Chief education officers selected by general election have a positive relationship with school choice law.

16. Chief education officers selected by boards of education have a negative relationship with school choice law.

17. Chief education officers selected by qualified electors have a positive relationship with school choice law.

Results and Discussion

The Following tables represent the descriptive statistics of this study. The complete data set can be found in the [Appendix](#).

Table 1A School Choice (87 data points):

	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.489	-0.273	0.432	26.636	-0.011	0.67	0.009	0.751	0.126	0.138	0.062
Standard Deviation:	0.871	0.919	0.498	15.596	0.467	0.473	0.011	0.144	0.334	0.347	0.041
Range:	2	2	1	49	2	1	0.073	0.75	1	1	0.17

Table 1B School Choice Accountability (7 data points):

Descriptive	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.429	0.429	0.571	14.286	0	1	0.016	0.734	0.143	0.143	0.051
Standard Deviation	0.976	0.976	0.535	14.614	0	0	0.012	0.082	0.378	0.378	0.018
Range	2	2	1	41	0	0	0.031	0.221	1	1	0.055

School Choice Versus School Choice Accountability:

Before analyzing the overall data for school choice and accountability it should be noted that no examples of successful accountability measures imposed on voucher programs were found. As a result the "School Choice Accountability" table is identical to the "Charter School Accountability" table and there is no "Voucher Program Accountability" table. When examining the political economies present for all laws expanding school choice several trends stand out.

Political party power appears to play a significant role in school choice expansion, most prominently in the governor's office with an average of -0.49. The legislature has less of an impact with an average value of -0.27. Chief education officer surprisingly seems to have little to no impact at all with an average of -0.011.

The Governors impact on school choice accountability is puzzlingly skewed towards republican governors seeing accountability measures imposed on school choice programs with an average value of -0.43, this may be bias caused by states with school choice programs to begin with being more republican overall. The legislatures passing school choice accountability laws stand exactly opposite governors with a value of 0.43. No school choice accountability laws in my data set were passed under a partisan chief education officer.

It appears that states with a referendum or initiative process trend against school choice laws with a value of 0.43 for school choice laws and a value of 0.57 for accountability laws.

Further research is required to explain these numbers. Many peripheral aspects of political economy could potentially explain this result, it is also possible that initiative and referendum processes do somehow hinder school choice laws and assist school choice accountability laws.

With a median of 25 for each state in the union (out of 50) represented evenly, the data could be skewed away from that by exceptional rankings and/or repetitive laws from a single state. These numbers showed that **the strength of teachers unions is weakly tied to school choice laws if at all**. The low standard deviation of accountability laws may indicate that only the strongest teachers unions are capable of flipping a school choice legal battle. The weakness of the strength ranking system is that it does not describe proportional strength, if there are a total of one hundred strength “units” in the system and the unions of the strongest fifteen states possess seventy five of them the relative strengths of the other states could have a relatively minimal effect on school choice laws but fail to represent that in my data.

School choice laws overall have a value of 0.67 when asking if any neighbor states already have the same type of school choice option already in place. Meaning

that 67% of school choice laws were passed while its citizens had at least one neighbor state to view as an example when considering the law.

This **suggests that diffusion theory applies to school choice laws and that as innovations they satisfy enough users in the short term to perpetuate their spread.** This measure does not account for the degree of this effect nor its mechanism. This measure within my data cannot be logically applied to school choice accountability laws, as there have only been seven and they represent the rejection or restriction of an innovation after its initial acceptance.

School district density (measured in school districts per square mile) is greater in school choice accountability measures (.016) than school choice laws (0.009)

This appears to support the hypothesis that greater tiebout choice would reduce the demand for legislated school choice.

School district density (measured in school districts per thousand people) is greater in school choice laws (0.062) than in school choice accountability measures (0.051).

This appears to refute the hypothesis that greater tiebout choice would reduce the demand for legislated school choice.

In terms of school choice laws passed per state there appears to be a weak negative relationship between school district density and school choice law success. Measured in terms of school districts per square mile there is a weak negative relationship ($R = -0.153$). Measured in terms of school districts per thousand citizens

there is an even weaker negative relationship ($R=-0.108$). My measures of tiebout choice suggest opposing conclusions raising questions of how effectively either of them can be said to capture tiebout choice.

States passing school choice laws have school district density standard deviations of 0.0011 (size) and 0.041 (population) implying data that is heavily clustered around the mean. Accountability measures have a standard deviation of 0.012 (size) and 0.018 (population) suggesting less clustered data.

States passing school choice legislation are on average 75.1% white. States passing legislation limiting school choice are on average 73.4% white. With a current national average just over 60% these are both well above average.

This shows that **whiter states are more likely to engage with school choice legislation as initial programs are needed in order for limitation to happen. This appears to defy the hypothesis that whiter states would be more averse to school choice.**

On average the governor switched political party in 12.6% of cases of successful school choice laws and 14.3% of successful school accountability law. Legislatures have similar rates of 13.8% and 14.3% respectively. In instances of governors switching, nine times out of eleven it was from a Democrat into a Republican. The other two instances were cases of Republicans Leaving office with Democrats coming into office. In instances of legislatures shifting party control eight of the shifts were into

Republican control and one was into Democrat control, three were from some form of independent or split control into another form of split or independent control. It is also worth noting that seven of the nine shifts into republican control came from some form of split or independent control. The rate of Republican governors for overall school choice law data is 0.489 while the rate of Republican governors coming into office the same year a school choice law is passed is 0.818. The rate of Republican controlled legislatures for overall choice law data is 0.273 while the rate of recently shifted Republican controlled legislatures is 0.667.

This suggests a strong relationship between recently shifted party structures and school choice laws, possibly indicating that they are subject to policy windows opened by the politics stream.

There were two instances of simultaneous laws relating to school choice being passed in the same state in the same year immediately following a switch in party control of the legislature. First, in the year 2000 Virginia passed a law supporting existing charter school programs as well as a law imposing accountability measures upon existing charter school programs. Second, Wisconsin passed two separate voucher authorizer laws in the year 2013. Both of these instances occurred in years in which a previously mixed controlled legislature switched to full republican control. There were no such simultaneous laws following a governors party switch.

It appears that school choice legislation is subject to the influence of “policy windows” fed by the politics stream in the form of a shift in governors or the state legislatures political party (Kingdon 1995).

Frequency for involvement in selection process for chief education officer:

Table 2A:

2A	Governor	Legislature	Election	Board of Edu	Qualified Electors
National Total	18 (.36)	11 (.22)	9 (.18)	23 (.46)	4 (.08)
School Choice	32 (.368)	19 (.212)	14 (.161)	46 (.529)	6 (.069)
Accountability	2 (.286)	1 (.143)	2 (.286)	4 (.571)	0

Partisan chief education officers (CEO's) have never been found in states that have passed laws limiting school choice programs. With a mean of 0.216 school choice laws cannot be said to be significantly impacted by the fact that their respective CEO is partisan as we would expect a mean of 0.24 from laws entirely unrelated to education (12 out of 50 states translating to 24%).

Both school choice laws and accountability measures had boards of education involved in the selection process exceptionally often and found their most significantly divergent values from the national proportion (0.529 and 0.571 respectively) in that column. Both of these values are significantly higher than the national proportion.

Among accountability measures Election also bears an exceptionally large representation, however the small sample size (7) and only two instances made me hesitant to accept these measures as meaningful.

Out of four school choice laws passed with a chief education officer appointed solely by their governor all four had republican governors at the time.

Table 1C Voucher Authorizers and Support (24 data points):

Descriptive	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.833	-0.458	0.25	26.417	-0.083	0.458	0.008	0.719	0.208	0.167	0.058
Standard Deviation	0.565	0.884	0.442	15.288	0.408	0.509	0.007	0.137	0.415	0.381	0.037
Range	2	2	1	46	2	1	0.03	0.497	1	1	0.137

Table 1D Voucher Authorizers (23 data points):

Descriptive	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.826	-0.435	0.217	25.391	-0.043	0.478	0.008	0.726	0.217	0.174	0.056
Standard Deviation	0.576	0.896	0.422	14.764	0.367	0.511	0.007	0.136	0.422	0.388	0.037
Range	2	2	1	44	2	1	0.03	0.497	1	1	0.137

Table 1E Charter Authorizers and Support (63 data points):

Descriptive	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.359	-0.203	0.5	26.719	0.016	0.75	0.009	0.764	0.095	0.127	0.064

Standard Deviation	0.932	0.929	0.504	15.829	0.488	0.436	0.012	0.145	0.296	0.336	0.043
Range	2	2	1	49	2	1	0.073	0.75	1	1	0.17

Table 1F Charter Authorizers (45 data points):

Descriptor	Governor (R/D/I)	Legislature (R/D)	Referendum or Initiative Process? (Y/N)	Teachers Union Strength Rank (1-50)	Chief Education Officer (R/D/NP)	Presence of program in neighbor states.	School District Density (size)	% White	Governor Party Switch last year? (Y/N)	Legislature switch party last year?	School District Density (Population)
MEAN:	-0.348	-0.174	0.543	27.739	0.043	0.696	0.009	0.792	0.13	0.13	0.07
Standard Deviation	0.948	0.926	0.504	15.068	0.515	0.465	0.013	0.132	0.341	0.341	0.046
Range	2	2	1	49	2	1	0.073	0.671	1	1	0.17

Charters Versus Vouchers:

Based on success frequency it appears that charter schools are more likely to find legal success than voucher programs, school voucher laws bearing 22 authorizers and 1 support law while charter school laws bear 45 authorizers and 18 supporting laws.

Partisan Preference for Governors, Legislatures and CEO's all skew republican for voucher laws, -0.833 -0.458 and -0.083 respectively. **Charter laws on the other hand are much more bipartisan** -0.359 -0.203 and 0.016 respectively, actually favoring the democrat party in terms of CEO. This bias towards democrats occupying the CEO's office more than doubles to 0.043 when charter support laws are excluded.

Successful school voucher laws seem averse to states with referendum and/or initiative processes with a value of 0.25, Charter laws seem unaffected by their presence with a value of 0.5. This contradicted my hypothesis that referendum and initiative processes decentralize power or that school choice laws are related to decentralized power.

The average teachers union strength ranking for successful voucher laws is 25.39, slightly lower than the 26.719 held by charter laws. Both rankings are very middling and very slightly favor weaker teachers unions. The standard deviation of these rankings is 14.764 and 15.829 for voucher laws and charter laws respectively, both very moderate spreads. This suggests that teachers unions are most critical when restricting school choice programs after implementation as seen in table 1B where they bear a much stronger average rank of 14.286

Average School District density for voucher laws is 0.008 (size) and 0.058 (population). Average school district density for charter school laws is 0.009 (size) and 0.064 (population).

The Average state passing a school voucher law is 71.9% white while the average state passing a charter school law is 76.4% white. Both of these averages are higher than the current national demographics showing school choice laws to have a positive relationship with whiteness to some degree with charter schools even moreso.

In testing for the effects of diffusion theory I use only my authorizing laws for charter schools and voucher programs. voucher laws receive a 0.478 while charter

school laws receive a 0.696. When including support laws these values move up to 0.75 and 0.485 for charters and vouchers respectively.

This indicates that diffusion theory, as measured by adjacent states having already accepted the innovation of a given school choice model, applies much more strongly to charter schools than school voucher programs.

20.8% of school voucher laws are passed in the year following a switch in political party of the state governor, 9.5% of charter school laws are passed following this type of switch. Legislatures switch party control in the year before 16.7% of voucher laws and 12.7% of charter laws. This suggests that a policy window model more accurately describes school vouchers and/or that school vouchers are more dependent on the politics stream.

Frequency for involvement in selection process for chief education officer:

Table 2B (composite):

2A	Governor	Legislature	Election	Board of Edu	Qualified Electors
National Total	18 (.36)	11 (.22)	9 (.18)	23 (.46)	4 (.08)
School Choice	32 (.368)	19 (.212)	14 (.161)	46 (.529)	6 (.069)
Accountability	2 (.286)	1 (.143)	2 (.286)	4 (.571)	0 (0)
Vouchers +	7 (.304)	5 (.217)	4 (.174)	13 (.565)	2 (.087)
Vouchers	7 (.318)	5 (.227)	2 (.091)	13 (.591)	2 (.091)
Charters +	26 (.413)	14 (.222)	10 (.159)	33 (.524)	4 (.063)
Charters	16 (.356)	9 (.2)	9 (.2)	23 (.511)	3 (.067)

Table 2C (deviation from national values):

	Governor	Legislature	Election	Board of Edu	Qualified Electors
National Total	0	0	0	0	0
School Choice	0.008	-0.002	-0.019	0.069	-0.011
Accountability	-0.074	-0.077	0.106	0.111	-0.08
Vouchers +	-0.056	-0.003	-0.006	0.105	0.007
Vouchers	-0.042	0.007	-0.089	0.131	0.011
Charters +	0.053	0.002	-0.021	0.064	-0.017
Charters	-0.004	-0.02	0.02	0.051	-0.013

When comparing the selecting bodies for CEO's between voucher laws and charter laws the board of education is overrepresented significantly in both voucher laws and voucher authorizers, additionally voucher authorizers see exceptional representation of direct election of CEO's.

Having a partisan CEO is found in 16.7% of cases of successful voucher laws and 23.4% of successful charter laws. When only viewing authorizers the partisan CEO rate for vouchers goes down (13%) and the partisan CEO rate for charters goes up (26.1%). The only instance where school choice laws appear to benefit from partisan CEO's, meaning a value above 0.24) is under charter authorizer laws, this also happens to be the strongest partisan alignment towards Democrat found in this study. Very surprisingly Republican chief education officers appear to have a positive relationship

with voucher programs while Democrat chief education officers appear to have a positive relationship with charter schools.

Conclusions

Summary:

Of my original seventeen hypothesis eight appear to be supported by my data and two appears to be refuted while seven appear to be partially supported.

Supported:

Charter school laws appear to be easier to pass than voucher laws. With 23 voucher authorizers passed and 45 charter authorizers passed across the nation it appears to be much easier to get charter school laws passed than school voucher programs. Republican governors show a strong positive relationship with school choice laws, as do republican controlled legislatures. Teachers union strength appears to have a slight negative relationship with school choice but a very strong relationship with restricting school choice. Diffusion theory does seem to apply to school choice, especially in regards to charter schools. The idea of “Policy Windows” is supported by and appears to apply to school choice legislation, at least so far as the “politics stream” was measured within this study. Partisan chief education officers also appear to be more associated with instances of successful school choice laws.

Refuted:

Contrary to the hypothesis that school choice would have a positive relationship with racial minorities due to their touted ability to uplift and provide opportunities to the

impoverished, school choice appears to have a positive relationship with “whiteness”. Referendum and initiative processes in states surprisingly appear to have a negative relationship with school choice.

Partial:

Republican chief education officers show a positive relationship with school choice overall and voucher programs as predicted and in line with their party counterparts in the governor's office and legislature but puzzlingly Democrat CEO's are more strongly associated with charter schools. As a whole, chief education officers selected by governors and legislatures appear to work in favor of education choice but unexpectedly those selected by boards of education also appear to work in favor of education choice.

While I was able to predict the positive relationship between governor and legislature selected chief education officers and school choice I was surprised to find that board of education selected chief education officers also appear to see education choice legislation passed more often than would be expected.

School district density as measured by school districts per square mile appears to reduce demand for school choice as I hypothesized, however school district density as measured by thousand citizens per school district seems to increase demand for school choice. When correlated to number of school choice laws passed per state both measures of school district density appear to have a very weak negative correlation. Although this supports the hypothesis it is hardly a satisfactory result and begs further inquiry.

Limitations of the Study:

Although generally the observations made within this study are strongly established and I am very satisfied with the things I learned, there is always room for improvement. The variable measuring the effect of Diffusion Theory by checking for the presence of the same type of program in neighbor states only looks for a law on the books found in this study, not active school choice programs and not from an outside source. It also fails to account at all for the size of the states in question which could very plausibly play a role in the effectiveness of spreading ideas through word of mouth. Additionally the number of neighbor states is not taken into account, one being treated the same as five.

Although this study initially collected data for failed laws and I intended to observe them, doing so was ultimately abandoned. I was unable to capture failed school choice laws at the same rate or with as much confidence as successful school choice laws. Successfully collecting data for failed school choice laws could strengthen my findings. Critically they would provide a statistic for each of my variables that could be directly compared to the averages of the successful school choice laws to help determine direction and magnitude of impact of a given variable.

Although some very strong relationships and correlations were found within my project I have not definitively established causation for any variable measured. Because the outcomes of political battles are more important to those fighting them than the

exact tactics and terrain used, the lack of causation does not significantly weaken my findings nor inhibit their implementation e.g. Knowing if a Republican governor actually helps pass school choice laws or merely signals conditions beneficial to the passing of school choice laws is less important than knowing that a school choice law is more likely to be passed in a state with a Republican governor.

Suggestions for Future Investigation:

Given the time and resources to revisit this study or, should anyone else seek to expand upon the knowledge gathered here, I would begin by establishing a usable set of data for failed school choice laws, either complete and exhaustive or collected in a consistent way that can be matched to successful school choice laws within the same dataset without bias towards either outcome.

My next priority would be expanding the list of variables and adding depth to those already present. Additional variables would include prevalence of magnet schools and private schools, income demographics and distributions, a measure of the urban/rural nature of the state, and measures of people entering/leaving the state as well as where they come from or go to. I would seek to learn more about the strength, diversity and actions of a state boards of education.

To Improve the accuracy of my measure of legislature party control, the exact proportion of the legislature controlled by the party controlled could be used.

Additionally testing for veto-proof super majorities or other benchmarks could add valuable insight.

I would attempt to discover patterns in which states do and do not have initiative and referendum processes and what effects they have on non-education policy, possibly even performing a similar project on a different type of law using the same methods to assess feasibility of any number of types of laws.

Improving the measure of teachers union strength to a ratio level could potentially provide exceptionally valuable information. Although not possible within the scope of this study, examining the raw data used to construct the sub rankings and generating an overall “score” instead of a rank could accomplish this if an entirely new dataset was out of reach.

Developing a special accounting for the number of neighbor states with a given school choice model could improve the strength of my measure of diffusion theory. Considerations should be made for potential diminishing (or snowballing) returns on extra states to draw examples from.

Because of the mixed results of my Tiebout choice measure I would seek a new measure of Tiebout choice or find a new means of interpreting the data beyond number of laws passed per state. This would be a key component of expanding my dataset to include failed laws.

There may be untapped data in exact racial compositions of states as they pass school choice laws. Expanding my racial data into those demographics could be illuminating.

To better capture policy windows, one could account for presidential election years when the nation at large is more politically minded or specific trends in local politics that may relate to or influence education choice.

My data treats mixtures of CEO selectors as combinations but it is possible that unseen data exists to be found by considering them as permutations. Cases where a legislature nominates three options that the governor picks from could display entirely different trends than cases where the governor nominates three options that the legislature then picks from for example.

For those working in education policy and fighting these battles for and against school choice a highly valuable continuation of this study would be an investigation into the funds and players involved in the battles themselves when compared to their outcomes and my data. This would give a more definitive answer to the question “is it worth it to fight for school choice in this state?”.

Finally, attempting to confirm or deny causation from my discovered correlations could shed light on the machinations behind political battles, even those outside the arena of education policy.

Implications:

This study has confirmed several aspects of conventional wisdom regarding the politics of school choice. Overall the more Republican the state in question is the better its chances of passing a school choice law, and the strength of word-of-mouth should not be underestimated. More significant for actors in the education policy arena are the

ideas previously assumed or taken for granted that have been challenged. Charter school laws may actually benefit from a chief education officer who is a Democrat or the actions of a state board of education. The negative relationship between school choice laws and initiative and referendum processes also questions conventional wisdom held even outside of the school choice policy arena.

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