

**Innovation and Accountability:
Vouchers, Charters, and the Florida Virtual School
Policy Brief**

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Executive Summary

In the last half-decade Florida has been in tune with, or on the cutting edge of, several national trends in education. Florida has a comprehensive testing program, and has created range of options for students who seem to be poorly served by traditional public schools. Three Florida programs provide scholarships or vouchers to children from failing schools, to those from low-income families, and to those with disabilities. Florida has also created a large number of charter schools and developed the most extensive “virtual” school in the nation.

This array of options has allowed thousands of children to move out of public schools. In that sense Florida’s program of choices has achieved its first major goal. However, Florida’s system of accountability relies heavily on state-wide testing, and the state’s choice options remain largely outside the testing program. To ensure that children are able to gain access to the best possible system of education, it is recommended that Florida policy makers:

1. Require the FCAT to be given to all students receiving publicly financed vouchers, and to have the results made public. In keeping with the No Child Left Behind Act, children with disabilities using McKay Scholarships to attend private schools should be included in this testing whenever possible and provided any necessary accommodations.

2. Conduct longitudinal studies that examine different theories of how and why voucher programs succeed and fail.
3. Conduct longitudinal studies that examine different theories of how and why charter schools succeed and fail.

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Section 1: The Issue

For two decades, ever since the publication of *A Nation at Risk* in 1983, school reform has been a widely discussed social and political issue. In recent years, much of the energy of school reform has been expended in one of two areas: designing and implementing high-stakes testing, and creating alternatives to public schools that are publicly funded yet free of at least some of the rules and apparatus that control public schools. This brief will focus on the second of these trends: relatively independent attempts to use public funding to provide more autonomous and effective schooling. Supporters advance two separate arguments in favor of these approaches: 1) They give parents new options for the education of their children; and 2) though competition, they spur traditional public schools to improve.

The best-known of these alternatives is school choice, in which vouchers are provided to some students to attend private schools or to move to different public schools. The modern choice movement can be traced to economist Milton Friedman, who proposed the idea in the 1950s. A central part of his argument was that private schooling is more efficient than public schooling. Based in part on these claims of efficiency, vouchers programs have generally paid alternative schools about half as much money per child as public schools receive.¹ In theory, vouchers are a winning situation

for everyone: the students receiving them get a better education, public schools will be forced to improve through competition, and the vouchers will save the public money.

In recent years, voucher advocates have focused on children of color living in urban areas or on children from low-income families, arguing that vouchers would get them out of failing public schools and into better schools that would provide them a real opportunity to succeed. Florida has a wide-ranging menu of choices, including vouchers for children attending failing schools, vouchers for students with disabilities, and vouchers for children from low-income families. The low-income vouchers are funded by a program that awards corporations tax credits for contributions to nonprofit groups that give out scholarships so that these students may attend private schools.

Charter schools are a more recent addition to the spectrum of school reforms, yet this solution has spread more widely and more quickly than have vouchers, in large part because charter schools are much less controversial, and thus less politically complicated. They are public schools that are largely or completely independent of any school district or other overseeing administration. Charter schools have flourished as a means of allowing educational innovation and experimentation, freeing individual schools from state or district regulations that charter advocates (and public school critics in general) charge are damaging and restrictive. Most states have made a provision allowing teachers, parents, or other interested parties to apply for charters to create charter schools, or to turn existing schools into charter schools. Some states allow for a strictly limited number of charter schools, while others, including Florida, have encouraged legislation that has allowed charter schools to spread quickly.

Online education is another innovation that has spread quickly in the last few years. While online courses have been chiefly at the college or university level, some “virtual” schools have also been created for children in grades K-12. School districts are allowed to receive federal and state money toward the start-up costs of these online schools, a policy that serves as an incentive for districts to develop virtual schools online. As of mid-2003, sixteen states either already had a virtual high school in existence or were about to open one. The Florida Virtual School offers courses to high school and middle school students, and in 2002-2003 served almost 7,000 students.

The basic questions to be addressed now are these: what does the evidence have to say about the actual success of voucher, charter, and virtual schools, and what is their impact on more traditional public schools? Educational success is a difficult arena to evaluate, for both practical and technical reasons. This brief describes the structure of each of Florida’s alternative programs, as well as the limited evidence about their effects, and makes recommendations as to how school children in the state of Florida might best be served within the context of Florida’s vast educational system and its collection of alternative approaches.

Section 2: Background

Florida maintains an array of alternatives to public schooling; in fact, the number of options open to families in Florida who are unhappy with their children’s public school may be the largest in the nation. As is true elsewhere, these options have been controversial. In particular, there has been considerable opposition to Florida’s reliance on vouchers. Other states and researchers across the nation are quite aware of Florida’s

innovations, and any meaningful research results concerning Florida's alternative programs are likely to have a broad influence.

Florida's Voucher Programs

In the spring of 1999, Florida's legislature approved the Opportunity Scholarship Program as part of the "A+ Plan for Education" package. Students in schools defined as "failing" would receive vouchers to attend other public or private schools, including religious schools. The same legislation established an accountability plan under which individual schools would be assessed and rated by means of a letter grade of A through F each year, based chiefly on FCAT (Florida Comprehensive Assessment Test) scores. In practice, an F is given to a school with tests scores falling short of the state's minimum standards in all three of the state's main subject areas: reading, writing, and math. Students attending schools that received failing grades twice within any four-year period would be eligible to use vouchers to attend a different public school or a private school.²

In the first year of this program, students from only two elementary schools were eligible for Opportunity Scholarships/vouchers; the two schools, both elementary schools in Pensacola, received F grades and had previously been on a list of struggling schools. Fifty-eight students received vouchers to use at five private schools—four of the five were Catholic schools—and approximately 80 more students transferred to other public schools. Observers expected many more schools to be assessed as "failing" over the next few years, leading to a rapid expansion of the Opportunity Scholarship program. In fact, however, for the next two years no schools failed a second time, leaving the program limited in the fall of 2001 to the 50-or-so students who had used vouchers to move to private schools in the first year of the program.³

At the start of the 2002-2003 school year, the Opportunity voucher program expanded in the way that had been expected two years earlier. A total of 80 schools across the state received failing grades for the 2001-2002 school year, and students in 10 of those schools became eligible for vouchers because it was the schools' second F grade within a four-year span. The number of students using vouchers to move from public schools to private schools rose from about 50 to well over 500, with another 900 students using vouchers to switch to different public schools.

Florida's program has been challenged in the court system. In March 2000, Leon County Circuit Court ruled that the legislature did not have constitutional authority to enact a voucher program, but the 1st District Court of Appeal overturned that ruling in *Bush v. Holmes* in October 2000.⁴ Then in August 2002, the Florida Circuit Court deemed the voucher program in violation of the state constitution, which bars religious institutions from using public funds. The program has been allowed to continue until the case is resolved.⁵

Voucher programs are still relatively rare, but are slowly spreading; Ohio and Wisconsin have choice programs in place for Cleveland and Milwaukee, respectively, and choice experiments are being conducted in a number of cities, including New York City and Dayton, Ohio. Some attempts to create voucher systems have been defeated, including an effort in California. A related idea, allowing choice among public schools in a given district, is increasingly common, and is to some extent mandated by the No Child Left Behind Act for children attending low-performing schools.⁶

In 2000, Florida enacted a second voucher program, one designed to help students with disabilities. Named after its sponsor, state Senator John McKay, the program

initially gave vouchers for private schools (including religious schools) to families of students with disabilities if the families could show that their children had failed for two consecutive years to reach the educational goals laid out in the students' individual education plans (IEPs).⁷

Placing students with disabilities in private schools at public expense is not a new idea; public school districts do so across the nation, not only in Florida. What is new about the John M. McKay Scholarships for Students with Disabilities program is that it gives parents the option of doing so, rather than leaving the decision in the hands of school districts. The McKay program was initially designed to grow slowly. In its first year only 5 percent of the disabled students in any one district were eligible for vouchers (worth up to \$25,000 depending on the extent of the student's disability). That percentage was intended to increase each year until the cap vanished in the fourth year.⁸

In May 2001, however, limitations were lifted entirely, and all of the 350,000 Florida students with learning disabilities became potential candidates for the McKay vouchers.⁹ In the 2000-2001 school year, approximately 1,000 students with disabilities were using vouchers, costing the state a total of \$5.8 million. For the 2001-2002 year, the list of institutions approved to accept students with McKay vouchers had grown to 324 private schools.¹⁰ By the 2002-2003 school year an estimated 9,000 students with disabilities were using McKay Scholarships to attend private schools.

In the fall of 2002, Florida began a third school choice program through the provision of tax credits. Companies are allowed to receive tax credits in exchange for donating money to nonprofit organizations that provide scholarships for students from low-income families who wish their children to attend private schools.¹¹ (The amount of

the corporate donation is then subtracted from the company's state income tax bill.) About 20,000 students applied for these tax-credit scholarships in the first year of this program's existence, and about half of that number received the scholarships, which are worth \$3,500 each. Unlike the Opportunity Scholarships and the McKay Scholarships, for which students know whether they qualify, and which students are guaranteed to keep once they are awarded, the tax credit scholarship fund varies from year to year. Thus a student attending a private school on such a scholarship in a given year cannot be certain the scholarship will be available again the following year. Even so, the number of children attending private schools using these tax-credit vouchers is far greater than the number using Opportunity Scholarships, and was roughly the same as the number of children using McKay Scholarships in 2002-2003. In the current school year, 2003-2004, the tax-credit scholarship program has continued to grow rapidly, now aiding approximately 16,000 students. The total number of children using one of the three voucher programs in the current 2003-04 school year is above 27,000, with the Opportunity Scholarship program by far the smallest.

One of the continuing areas of debate around vouchers is how closely the state should regulate private schools that are allowed to accept voucher students and monitor the public funds that come with them. Many supporters of choice, both in Florida and throughout the nation, want as little as possible in the way of state monitoring of private schools. Critics of choice, on the other hand, want to impose regulations on private schools that receive public money in the form of vouchers. Such proposed regulations include, for example, requiring teachers to have specific qualifications, requiring schools to undergo financial audits, and publicly disclosing test scores. Many critics of choice

fear that some private schools of questionable quality will spring up and accept vouchers, and that meaningful oversight is therefore required. Some private school officials resist such oversight, while others think it necessary. The push for more supervision was also spurred by two scandals, one involving a scholarship group that may have mishandled \$400,000—it received that much in state money but did not actually give out scholarships—and another over a private school accused of being a front for fund-raising for terrorists because two men affiliated with the school have been charged with being linked to terrorism.¹²

In late 2003, Florida Commissioner of Education Jim Horne convened various interested parties to draft a bill to strengthen the state's monitoring of private schools allowed to accept Florida's three different vouchers, and there seems to be support for this basic idea from at least some members of both major political parties. Legislation requiring more state regulation and mandating testing for all students who use the tuition aid programs is supported by both Governor Bush and Commissioner Horne, and will be discussed in the 2004 legislative session. State Senator Ron Klein and others have come out in support of more extensive accountability rules than those being proposed by Horne, such as requiring that the FCAT be given and that scores be made public, and requiring private schools that receive vouchers to employ certified teachers.

Even under the current limited system of regulation, there have been recent crackdowns on some private schools receiving voucher funds: in November 2003, the state stopped payments to 46 private schools that had either failed to submit required compliance forms, or had submitted forms indicating problems that were not being addressed. The form asks for enrollment numbers and about safety issues, such as radon

testing in the schools. The safety question was the one that most frequently prompted decisions to find schools out of compliance and to cut off their funding.¹³ The current debate, however, is whether to go beyond safety issues and look at financial and educational matters, and if so, to what extent.

Florida's Charter Schools

The first charter schools in Florida opened in 1996, and since then have spread gradually throughout the state. For the first few years there were restrictions on how many charter schools could open in any given county, but in 2003, Florida lifted these limits.¹⁴ At the same time, however, the legislature imposed on charter schools new curricular requirements and greater accountability. This follows a national trend, with the number of charters schools either stable or growing in most states, but with increasing state regulation. In 2002, the state's 222 charter schools enrolled more than 50,000 students, constituting about one-tenth of the nation's charter schools and charter school students. In the 2003-2004 school year, there are 258 charter schools operating in Florida. Few states have done as much as Florida to encourage charter schools.

In 2000, Florida also gave Volusia County the authority to become the state's first charter district, freeing the 66-school district from a number of state regulations in return for the district's pledging dramatically improved scores on state tests. Volusia thus joined a handful of charter districts around the nation, becoming the largest. Some charter school advocates criticized the very idea of a charter district, arguing that autonomy needs to be at the school level. Many school reformers, on the other hand, have long complained about state regulations, which would weigh much less heavily on Volusia as a charter district.¹⁵

The Florida Virtual School

Online schooling is another alternative form of education that Florida has embraced, although to a lesser extent than vouchers and charters. Online or virtual schooling tends to complement existing public schools as much as compete with them. The Florida Virtual School is the largest publicly financed online school in the nation. It began as a pilot project in 1997 and was given more autonomy in 2000. During its first few years in existence it offered only high school courses and was called the Florida Virtual High School, but it has recently begun to offer middle school courses as well, and changed its name to reflect that expansion. The Virtual School also intends to offer elementary school courses eventually.

In 2002-2003, almost 7,000 students were enrolled in at least one of the Virtual School's courses. Most of the school's students, however, were only taking one or two classes online, and were enrolled at other high schools in Florida for the vast majority of classes leading to their high school degrees. Yet the Florida Virtual School plays a number of different roles for different students, including, for example, offering Advanced Placement classes to students attending schools that lack them.

In 2003, funding for the Florida Virtual School changed from being a line item in the budget to being based on the number of students who pass the school's courses. Regular school funding is based on enrollment; this change makes the Virtual School more like a "normal" public school and seems to attach a sense of permanence to it, while also according this school a special distinction. Noting its achievements, online education advocates around the nation are following this policy innovation closely. The change in the funding stream was part of an education bill aimed at shrinking class sizes;

the bill also actively encourages school districts to think about encouraging students to take some courses online.¹⁶

Section 3: Available Data

Developing reliable education evidence is one of the most complicated fields in evaluation. This problem is particularly relevant with respect to reforms such as vouchers and charters, in part because the claims of their advocates are theoretical and ambitious, and in part because there is a sense that innovation in and of itself is good and does not necessarily need to be studied for effectiveness.

One of the claims made by voucher advocates is that the competition that choice offers will improve public schools. In the second year of the Opportunity Scholarship program, tests scores had improved at virtually all of the public schools that had received Fs in the first year, meaning that no new schools were deemed failing, and therefore the voucher program did not expand in school year 2000-2001, as almost everyone had expected it to do. Voucher advocates saw this as proof that the very existence of vouchers was responsible for the improved FCAT scores; testing advocates (often, but not always, the same people) saw it as the result of testing and accountability more generally; some other observers, particularly public school officials, saw the improved scores as the result of a decade of efforts at school reform in Florida.¹⁷ A study released in February 2001 examined the test score improvements made by Florida's schools in 2000, and found that schools that had scored the lowest in 1999 experienced the greatest improvements in 2000.¹⁸

In June 2003, a study was published examining Florida's second voucher option, the McKay Scholarship program for students with disabilities. The evaluation was based

on telephone interviews of parents of children using McKay vouchers, and of a smaller number of parents whose children had formerly been on McKay vouchers but who had removed their children from the program. This study found that more than 90 percent of parents of children currently using McKay vouchers were satisfied, whereas slightly fewer than two-thirds of those parents who had removed their children had been pleased with the private schools they had used via the McKay vouchers.¹⁹

Evidence regarding the impact of the third voucher option, the tax credit program, is non-existent beyond the statistics concerning basic enrollment numbers provided earlier. Similarly, very little is known about the specific successes or failures of the Florida Virtual School.

Section 4: Quality of Available Data

Unfortunately, the available data are not particularly useful. The test data used in the 2001 examination of test score improvements from 1999 to 2000 are reliable, but the interpretation of the data is not clear cut. The interpretation favored by the study's author is that the fear of vouchers drove the observed improvements. There are several other equally plausible causes, however, that individually or in combination could have led to improved test scores in any given school: (1) embarrassment of receiving Fs may have led to improvements; (2) long-term efforts at school improvement may have finally taken hold in 2000; (3) teachers may have been more familiar with how to teach for the specific set of tests, and students may have been more familiar with taking the tests; and finally, (4) schools with the lowest scores may have improved the most because they had the most room for improvement.

Still one more explanation of the improvement in test scores comes from a re-analysis of the data, which suggests that improved test scores could have been a result of preparation geared to the specific nature of testing. The reanalysis found that schools that had received F grades in 1999 avoided a similar fate in 2000 by improving their scores on the writing test (F grades are given only when a school receives a very low grade—either 1 or 2—on all three of the reading, writing, and math subject area tests.). That is, schools making a serious effort to improve their students' scores on the writing test could avoid receiving another F grade without having improved reading or math in any significant way.²⁰

Despite the claims of voucher advocates, there is no way to know what role vouchers, or for that matter accountability in the form of the FCAT, played in increasing test scores. When a new standardized test is put in place, scores typically rise for several years as a result of teachers and students becoming familiar with the test. Subsequently, scores plateau or even decline. Initial improvement on a test is not, unfortunately, necessarily a sign that students are actually learning more effectively.

Interestingly, 80 schools received failing grades in 2001-02, leading to a significant growth in the number of students eligible to use Opportunity Scholarships in 2002-03. This development—despite the voucher system in place—suggests that fear of vouchers alone was unlikely to have been responsible for the initial improvement in test scores seen from 1999 to 2000.

Regarding the study of parental satisfaction with the McKay program, the results of the survey are not surprising. Other studies have shown that parents of children in voucher programs or charter schools are generally pleased, as are parents with children in

public schools. Because Florida's alternative education programs are designed to give parents choices, parental *dissatisfaction* would be notable; parental satisfaction is less informative.

Section 5: Findings

The evidence offers little support for claims that the very existence of vouchers, and the accompanying threat of failing grades that would allow children to depart, lead to improvement in public schools. This does not mean there is no such connection between competition and test scores; instead, it reflects the lack of *any* meaningful evidence as to the connection between Florida's reforms and student achievement in their alternative educational settings.

This lack of evidence reveals a number of dangers. First, some of the private schools receiving voucher students may be doing very badly, and providing a less successful education than did these students' former public schools. Without accountability for private schools taking in students on vouchers, such failures are almost certain to occur, and perhaps to become more widespread as the voucher programs grow.

Second, one of the voucher programs may be far more successful than the others at helping children, or at inspiring positive change in traditional public schools. Lack of evidence prevents a comparison of the programs' relative effectiveness.

Finally, if new private schools are established specifically to make places available for voucher students, their quality may be low. Research that examined assumed differences between public and private schools found no support for the idea that private schools were more flexible and responsive to parental pressure, whereas public schools were more rigid and bureaucratic. Instead, this research found that private

and public schools in upper middle-class communities looked very much alike, and that private and public schools in low-income communities were more like one another than like public and private schools elsewhere.²¹

Probably the most admirable thing about Florida's venture into the use of vouchers is that it has developed three different choice programs. It is highly unlikely that they are all having the same level of success (or failure) in helping children learn more in school. There are several important questions that need to be asked about these programs: Do children allowed to move from failing schools have more individual success when they move to other public schools? To private schools? Do low-income children who receive tax-credit scholarships fare better or worse in their new schools? And do they do better or worse, on average, than children who have left failing public schools? Are children with certain kinds of disabilities helped more by McKay scholarships than children with other kinds of disabilities scholarships? Do children with disabilities thrive in certain kinds of private schools, or struggle as much or more as they did in public schools? Who fares least well in public schools, in other words, and what kind of choice helps them the most? Thus far, research has not addressed any of these questions about how each type of voucher program is succeeding.

The situation is the same with respect to charter schools and the virtual school. The Florida Department of Education's website on charter schools states in the first paragraph that "Charter schools are largely free to innovate, and often provide more effective programs and choice to underserved groups of students."²² Innovation is certainly easier for a charter school than a standard public school, but how often charter schools actually provide a better education via "more effective programs" is, as yet,

unknown. Nationally, some charter schools have managed to increase the standardized test scores of their students, but others have not.

In late 2001, RAND completed an extensive review of the available research on both vouchers and charter schools. The study's authors found that some evidence on vouchers showed meaningful gains for African-American children, but that those same studies did not show similar gains for Latino students. Overall, the RAND authors concluded that the research on vouchers and charters did not show convincingly that they were either noticeably better or worse than public schools, but that both were worth pursuing and studying more extensively.²³ The evidence does not prove the advantages of vouchers and charter schools claimed by their supporters, nor does it support the criticisms made by their opponents. Studies published since the RAND study was released have not offered any evidence likely to change its conclusions.

Section 6: Recommendations

Florida's government has shown considerable interest in making real improvements in the state's educational system. Florida has a comprehensive testing program, and has created range of options for students who seem to be poorly served by traditional public schools. Three Florida programs provide scholarships or vouchers to children from failing schools, to those from low-income families, and to those with disabilities. Florida has also created a large number of charter schools and developed the most extensive Virtual School in the nation.

This array of options has allowed thousands of children to move out of public schools. In that sense Florida's program of choices has achieved its first major goal. However, Florida's system of accountability relies heavily on state-wide testing, and the

state's choice options remain largely outside the testing program. To ensure that children are able to gain access to the best possible system of education, it is recommended that Florida policy makers:

1. Require the FCAT to be given to all students receiving publicly financed vouchers, and to have the results made public. In keeping with the No Child Left Behind Act, children with disabilities using McKay Scholarships to attend private schools should be included in this testing whenever possible and provided any necessary accommodations.
2. Conduct longitudinal studies that examine different theories of how and why voucher programs succeed and fail.
3. Conduct longitudinal studies that examine different theories of how and why charter schools succeed and fail.

Notes and References

- ¹ Benveniste, L., Carnoy, M., & Rothstein, R. (2003). *All Else Equal: Are Public and Private Schools Different?* New York: RoutledgeFalmer, 4-10.
- ² For Opportunity Scholarships, see Florida Statutes 1002.38. All Florida statues listed here are available online at <http://www.flsenate.gov/Statutes/index.cfm?submenu=-1&Tab=statutes>
- ³ It is also interesting to note that, once a student is eligible for a voucher, he or she may remain in the “choice” program regardless of improvements at the student’s original public school.
- ⁴ Walsh, M. (2000, October 11). Fla. Court Overturns Ruling Against Voucher Program. *Education Week*.
- ⁵ Richard, A. (2002, September 4). Florida Sees Surge In Use of Vouchers. *Education Week*. Voucher programs were upheld as constitutional by the Supreme Court in its 2002 ruling in *Zelman v. Simmons-Harris*. This ruling also allowed, but did not require, that voucher programs include religious schools. A case currently being heard by the U.S. Supreme Court, *Locke v. Davey*, may result in a mandate that religious schools be included in any voucher program, yet Florida’s program is one of several in the nation that already include religious schools, so whatever the outcome of the *Locke* case, it should not require changes in Florida’s approach.
- ⁶ No Child Left Behind is the 2001 revision of the Elementary and Secondary Education Act, Public Law 107-110. It can be viewed online at <http://www.ed.gov/policy/elsec/leg/esea02/index.html>
- ⁷ For the original McKay Scholarship statute, see Florida Statute 229.05371.
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- ²² The web address is <http://www.floridaschoolchoice.org/charter.html>
- ²³ Gill, B. P., Timpane, P. M., Ross, K. E., & Brewer, D. J. (2001). Rhetoric Versus Reality: What We Know and What We Need to Know About Vouchers and Charter Schools. The report is also available online (<http://www.rand.org/publications/MR/MR1118/>).