

NEPC's Review Project and Utah's Voucher Litigation

Six of the Seven Reports Cited in Amicus Brief to Support Claims About Voucher Effects Were Reviewed When They Were Published—And Those Claims Did Not Withstand Scrutiny



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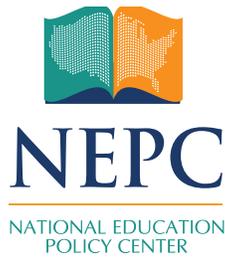
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The National Education Policy Center (NEPC), a university research center housed at the University of Colorado Boulder School of Education, sponsors research, produces policy briefs, and publishes expert third-party reviews of think tank reports. NEPC publications are written in accessible language and are intended for a broad audience that includes academic experts, policymakers, the media, and the general public. Our mission is to provide high-quality information in support of democratic deliberation about education policy. We are guided by the belief that the democratic governance of public education is strengthened when policies are based on sound evidence and support a multiracial society that is inclusive, kind, and just. Visit us at: <http://nepc.colorado.edu>



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The Review project of the National Education Policy Center (NEPC) turns to expert third-party reviewers to generate something akin to peer reviews of reports that, while potentially impactful in policy discussions, were not put through the normal peer-review process used for academic publications. NEPC asks these third-party reviewers to use academic peer review standards, to consider the quality and defensibility of a report’s assumptions, methods, findings, and recommendations. The published reviews are intended to help readers assess the social science merit of a reviewed report and to judge its value in guiding policy. The project’s intent is that someone could read both the underlying report and the NEPC review and gain a much better understanding of the report’s merits and usefulness.

Recently, the importance of the Review project was illustrated in a case pending before the Utah Supreme Court. The case is a challenge to the constitutionality of the state’s Education Savings Account program, a voucher-like policy that provides taxpayer subsidies for expenses related to homeschooling and private school education. In January, an amicus (or “friend of the court”) brief supporting the voucher program was filed by the Notre Dame Law Education Project and Utah Education Fits. That brief makes several assertions, including the following: (a) “Parental choice programs provide all students with high quality options that will improve life outcomes”; and (b) “Parental choice enhances public school performance, improves public school student outcomes, and stewards tax dollars for the public good.”

In the sections of the brief where the amici make the above two claims, they cite 12 supporting sources. None of the 12 sources were published in a peer-reviewed academic journal, although one was published in a peer-reviewed magazine. High-quality research can, of course, be published in a wide variety of venues. The amici deserve no criticism for citing such sources. Instead, two problems are apparent: (1) the astonishing failure to also discuss very relevant peer-reviewed journal articles, and (2) the poor quality of many of the non-peer-reviewed reports that the brief did cite.

Here’s a rundown of the 12 cited sources. One is a blog entry from the website of the American Enterprise Institute. A second is a quote from a page on the EdChoice website. A third is in the peer-reviewed magazine *Education Next*.¹ A fourth is a self-published evaluation report. And a fifth is a one-pager from Step Up for Students, providing a data point about Florida.

The remaining seven sources cited are all reports from think tanks: (1) two from EdChoice, (2) two from the Urban Institute, (3) one from the Manhattan Institute, (4) one from the Fordham Institute, and (5) one from the University of Arkansas’ so-called “Department of Education Reform.”² The NEPC Review project reviewed six of these seven reports.

Table 1. Reports Cited and Reviewed

Think Tank	Report Title	Reviewed?
EdChoice #1	The 123s of School Choice (2024)	Yes: https://nepc.colorado.edu/review/school-choice
EdChoice #2	Fiscal Effects of School Choice (2024)	Yes: https://nepc.colorado.edu/review/fiscal-effects
Urban Institute #1	The Effects of Means-Tested Private School Choice Programs on College Enrollment and Graduation (2019)	Yes: https://nepc.colorado.edu/think-tank/choice
Urban Institute #2	The Effects of Ohio’s EdChoice Voucher Program on College Enrollment and Graduation (2025)	Yes: https://tinyurl.com/yc2srrtk
Manhattan Institute	Accountability and Private School Choice (2021)	Yes: https://nepc.colorado.edu/think-tank/accountability-choice
Fordham Institute	The Ohio EdChoice Program’s Impact on School District Enrollments, Finances, and Academics (2022)	Yes: https://nepc.colorado.edu/think-tank/edchoice

Department of Education Reform	Arkansas Education Freedom Accounts Program Annual Report (2025)	No
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The conclusions of the reviewers for these six reports are overwhelmingly negative and/or inapplicable to the claims made in the amicus brief. Below are the published summaries of those reviews.

EdChoice #1:

An EdChoice report is billed as an overview of the varied and often contested research on outcomes in school choice programs, which it defines narrowly as vouchers in addition to voucher-style programs that provide public funding for private schools. The report examines research on student achievement, access, competitive effects, and other topics, purportedly to help policymakers and parents weigh the benefits and costs of these voucher programs. It claims to show that school choice “works,” based on finding more positive than negative studies, yet uses a simplistic, flawed approach that obscures important differences in studies and can create a misleading narrative about the research evidence.

Reviewer: Prof. Chris Lubienski, University of Indiana. Note that the review is of the 2023 “123” report, not the cited 2024 version.

EdChoice #2:

The expansion of school “choice” (i.e., voucher) programs, which subsidize private school tuition with taxpayer funds, has sparked debate over their fiscal impact. An EdChoice report claims these subsidies save taxpayers money since per-pupil voucher costs are typically lower than public school spending. However, its estimate of how many students switch due to vouchers—rather than using them for a private education they’d pursue anyway—is invalid. The report also ignores that public schools serve more high-need students, inflating costs. Flawed methodology further underestimates voucher program costs, making the report’s weak evidence, poor theories, and slapdash methods useless to policymakers.

Reviewer: Dr. Mark Weber, Rutgers University.

Urban Institute #1:

A report by the Urban Institute, *The Effects of Means-Tested Private School Choice Programs on College Enrollment and Graduation*, com-

compares certain outcomes of three school voucher programs to traditional public school programs. It finds that students using vouchers to attend private schools sometimes have higher rates of college enrollment and completion than their public school counterparts. These findings, however, arise from comparisons of apples to oranges, because the two case studies showing some voucher benefits do not sufficiently account for pivotal differences between choosers and non-choosers. Only in the third case study, which uses random assignment and thus avoids these selection effects, do we see no voucher benefits. Two other concerns are important to note. First, the literature review places an unbalanced reliance on non-peer-reviewed sources. Second, the report attempts to ‘move the goalposts’ away from the test-score outcomes that have been the center of voucher advocacy and debate for decades—coinciding with recent voucher studies finding null or negative effects on test scores. These shortcomings render the report of limited value for evaluating voucher policies.

Reviewer: Prof. T. Jameson Brewer, University of North Georgia.

Urban Institute #2:

This review is published as a Q&A, but here’s a key excerpt: “Q: What does this research add to the overall body of research about voucher outcomes?” “A: Not much. Even the authors readily acknowledge at the end of the report that “the significant differences between the targeted programs that have produced this encouraging evidence and the universal programs currently being expanded across the country mean that more evidence is needed . . . ” (p. 17). . . . This new Urban Institute report sort of adds a positive result to [the] mix. But it does so in a way that even the authors acknowledge was based on old data from a targeted program that no longer reflects how vouchers operate today. At best it’s an interesting artifact of old public policy—but it also fits well within my broader critique of voucher systems: Older data did from time to time show something favorable; newer data haven’t. And we should trust the newer data more because they’ve been gathered on voucher systems more similar to today’s programs.

Reviewer: Prof. Joshua Cowen, Michigan State University.

Manhattan Institute:

A report released by the Manhattan Institute addresses the question of how private school voucher programs should be regulated. That is, if private schools are to receive public funds, what accountability mecha-

nisms can fairly and reasonably safeguard taxpayer dollars? The report advocates for relaxing accountability mechanisms that presently constrain some voucher programs, asserting that “more and better” private schools will participate in response, benefitting students academically. Such claims, however, are supported by a selective reading and intentional misreading of educational research. Insofar as that is the case, the report merely repeats well-worn ideological positions and neither advances what we know about the challenge of regulating private schools nor offers useful information for policy decisions.

Reviewer: Prof. Jack Schneider, University of Massachusetts Amherst.

Fordham Institute:

A report considers the chief concerns associated with Ohio’s voucher program: the harm to public school student outcomes through competition, the [effect] on district financial resources, and increased racial segregation. Finding that Ohio vouchers have had few such harmful impacts, the report concludes that it has effectively dismissed the primary concerns of voucher critics. Yet, while the report is broadly methodologically sound for the narrow questions it poses, the questions it asks are out-of-date with respect to current issues raised by voucher critics, which focus on substantially decreased student achievement among students using vouchers. Thus, the report does little to assuage the primary concerns of those dedicated to serving children through community-based public education.

Reviewer: Prof. Joshua Cowen, Michigan State University.

NEPC reviews only 15-20 reports per year, meaning that it passes on the vast majority of review candidates; non-peer-reviewed reports are published almost daily in the field of education. In weighing whether or not to seek a review, the report’s likelihood of being cited and used by lawmakers and others is among the key criteria considered. Even given that criterion, though, it’s remarkable that six of the seven such reports cited in this Utah amicus brief were reviewed.

More importantly, it’s remarkable that an amicus brief would rely almost exclusively on these problematic sources. The authors of that brief were, however, determined to assert the two claims quoted above—and those claims are not accurate. The brief purports to present a scholarly warrant for its claims. It fails to do so. The claims are not supported by the overall scholarly research base, so cherry-picking research was necessary. And the cherries they picked are among those that NEPC also picked, back when the studies were originally published. The methodological flaws and un-

supported claims identified by the resulting careful reviews, as cited above, render the brief's citations to these sources unpersuasive and unhelpful to readers of the brief.

Notes and References

- 1 *Education Next* is a magazine that addresses education-policy issues from what could be fairly described as a conservative, pro-voucher perspective. While it is not an academic journal, it does publish research studies and does use a double-blind peer review process. See <https://www.educationnext.org/guidelines-for-submissions/>. NEPC's own policy briefs are comparable; while NEPC is not an academic journal, these publications use a double-blind peer review process.
- 2 The University of Arkansas think tank was created in 2005 with two \$10 million gifts—one from the Windgate Charitable Foundation and one from the Walton Family Foundation. It is unusual in that it sits as a department within the university, but for purposes of its publications it functions similarly to the other think tanks listed here. While NEPC did not review the publication cited, it has reviewed 13 other publications from this think tank, dating back to 2014. See <https://nepc.colorado.edu/reviews>.