

Background

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How Members of the 111th Congress Practice Private School Choice

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Policies that give parents the ability to exercise private-school choice continue to proliferate across the country. In 2009, 14 states and Washington, D.C., are offering school voucher or education tax-credit programs that help parents send their children to private schools. During the 2007 and 2008 legislative sessions, 44 states introduced school-choice legislation.¹ In 2008, private-school-choice policies were enacted or expanded in Arizona, Florida, Georgia, Louisiana, Pennsylvania, and Utah²—made possible by increasing bipartisan support for school choice.³

On Capitol Hill, however, progress in expanding parental choice in education remains slow. Recent Congresses have not implemented policies to expand private-school choice. In 2009, the 111th Congress has already approved legislative action that threatens to phase out the D.C. Opportunity Scholarship Program (OSP), a federal initiative that currently helps 1,700 disadvantaged children attend private schools in the nation's capital.

Congress's Own School Choices

At the same time, many Members of Congress who oppose private-school-choice policies for their fellow citizens exercise school choice in their own lives. Senator Richard Durbin (D-IL), the chief architect of the language that threatens to end the OSP, for instance, sends his children to private school⁴ and attended private school himself.⁵

Since 2000, The Heritage Foundation has surveyed Members of Congress to determine whether they had

Talking Points

- A Heritage survey of the Members of the 111th Congress revealed that 44 percent of Senators and 36 percent of Representatives had ever sent their children to private schools. Among the general public, only 11 percent of American students attend private school.
- Approximately 20 percent of Members of the 111th Congress attended private high school themselves—nearly twice the rate of the American public.
- A failed amendment offered by Senator John Ensign (R-NV) on behalf of the popular and successful D.C. Opportunity Scholarship Program would have passed if Members of Congress who exercised school choice for their own children had voted in favor of the amendment. The future of the D.C. voucher program is now uncertain.
- While members of the 111th Congress practice school choice for their own families, they should also support school choice policies for all of America's families.

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exercised private-school choice by ever sending a child to private school. In 2009, this survey was updated for the new Congress. This survey included a new element—whether members themselves had ever attended private school. The new survey revealed that 38 percent of Members of the 111th Congress sent a child to private school at one time. (See Appendix Table A-1.) Of these respondents,

- 44 percent of Senators and 36 percent of Representatives had at one time sent their children to private school;
- 23 percent of House Education and Labor Committee Members and nearly 40 percent of Senate Health, Education, Labor, and Pensions Committee Members have ever sent their children to private school;
- 38 percent of House Appropriations Committee Members and 35 percent of Senate Finance Committee Members have ever sent their children to private school; and
- 35 percent of Congressional Black Caucus Members and 31 percent of Congressional Hispanic Caucus Members exercised private-school choice.⁶ (See Chart 1.)

The survey also showed that 20 percent of Members had attended private school themselves. (See Appendix Table A-2.) Among average citizens, approximately 11 percent of American students are enrolled in private schools.⁷ These survey results suggest that Members of Congress are significantly more likely than the general public to choose pri-

ivate schools for their own children and to have attended private schools themselves.

Private-school choice is a popular practice among both congressional Republicans and Democrats. Thirty-eight percent of House Republicans and 34 percent of House Democrats have ever sent their children to private school. In the Senate, 53 percent of Republicans and 37 percent of Democrats have exercised private-school choice for their children. Thirty five percent of Congressional Black Caucus Members have sent a child to private school. Only 6 percent of black students overall attend private school.⁸

Members' Educational Backgrounds

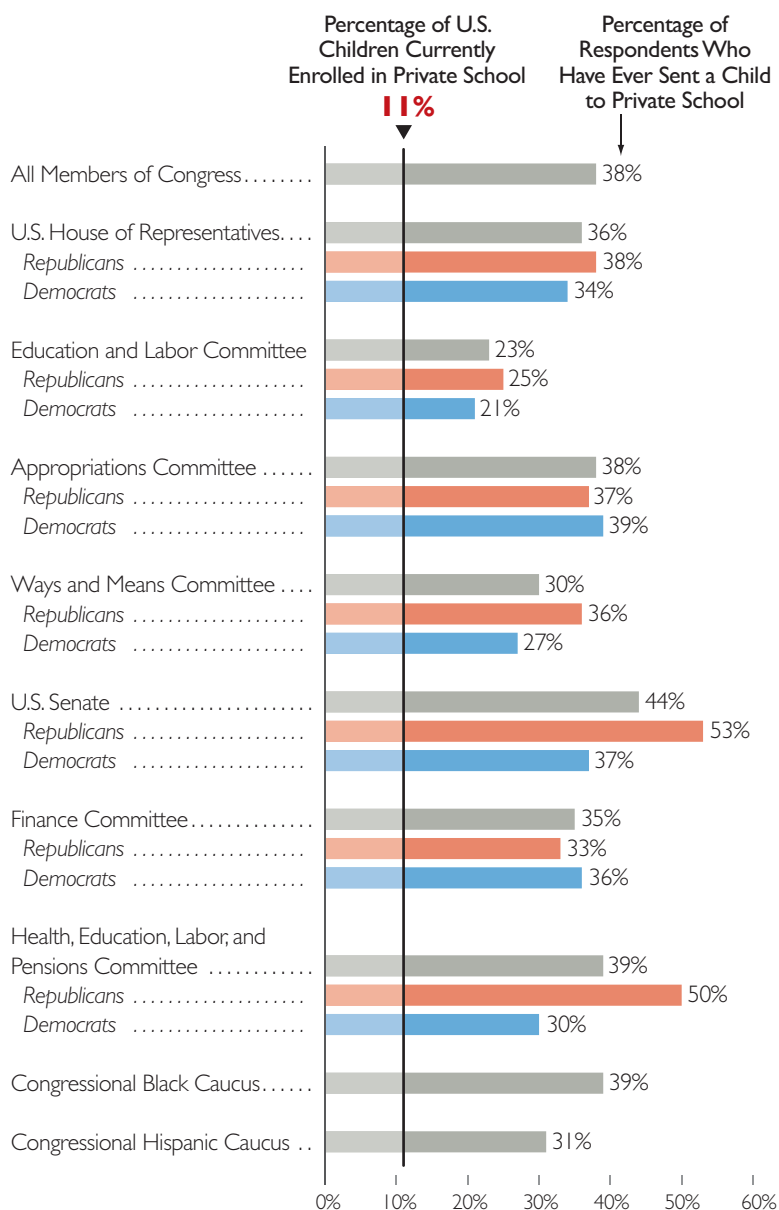
In 2009, Heritage also surveyed private-school attendance by the Members of Congress themselves. Many were beneficiaries of a private secondary education. Seventeen percent of responding Senators and 20 percent of responding Representatives attended private high schools. Overall, 20 percent of Members of Congress attended private school, nearly twice the rate of the American public. Specifically, 20 percent of responding Senate Democrats attended private school, as did 13 percent of Senate Republicans. Similarly, 21 percent of House Democrats attended private high school along with 20 percent of House Republicans.

The 2009 study examined two facets of school choice: 1) whether Members of Congress practiced private-school choice for their children, and 2) whether they were themselves beneficiaries of a private secondary education. Some Members attended

1. "School Choice Yearbook 2008–09," Alliance for School Choice, 2009, at http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook_02062009_finalWEB.pdf (March 30, 2009).
2. *Ibid.*
3. In Arizona, an expansion of the corporate tax credit was enacted under a Democratic governor and a Republican legislature; in Louisiana, a voucher program for students in New Orleans was enacted under a Republican governor and a Democratic legislature; and, in Pennsylvania, an expansion of the earned income tax credit was made possible under a Democratic governor, a Democratic House, and a Republican Senate. From "School Choice Yearbook 2008–09."
4. Glenn Thrush, "Ensign Gets Personal with Durbin," *Politico*, March 10, 2009, at http://www.politico.com/blogs/glennthrush/0309/Ensign_gets_personal_with_Durbin_.html (March 31, 2009).
5. "Biography," U.S. Senator Richard J. Durbin, at <http://durbin.senate.gov/about/rjd.cfm> (March 31, 2009).
6. For a full breakdown of survey statistics, see the methodology in the Appendix.
7. Evan Feinberg, "How Members of Congress Practice Private School Choice," Heritage Foundation *Backgrounder* No. 2066, September 4, 2007, at <http://www.heritage.org/Research/Education/bg2066.cfm>.
8. "Outlook," Council for American Private Education, December 2001, at <http://www.capenet.org/Outlook/Out12-01.html> (March 31, 2009).

Almost Four of Every 10 Members of Congress Have Chosen Private Schools for Their Children

According to The Heritage Foundation's 2009 survey, 38 percent of members of the 111th Congress with school-age children have ever sent a child to private school. The rate of Senate members using private schools is higher than that of Members of the House of Representatives.



Sources: Heritage Foundation telephone and e-mail survey conducted February 13 to March 13, 2009; previous Heritage Foundation surveys on Members of Congress and school choice.

Chart I • B 2257 heritage.org

private school and also chose that option for their children. Of respondents who themselves went to private school and had children, 64 percent chose to send a child to private school.

Policy Implications

The 111th Congress will have the opportunity to enact policies that give parents greater ability to choose the best school for their children. Specifically, Congress could reform major programs like No Child Left Behind and the Individuals with Disabilities Education Act to give states the option of using federal funding to give parents vouchers to send their children to a private school of their choice. In addition, Congress could support private-school choice by expanding education savings accounts and reforming other social programs to allow greater parental direction.

One opportunity to maintain and expand private-school choice would be by reauthorizing the D.C. Opportunity Scholarship Program. The D.C. School Choice Incentive Act of 2003 provided additional funding for public and charter schools in Washington, D.C. The act also created the OSP, the first federally funded school voucher program in the country. Through the OSP, low-income children are awarded tuition scholarships worth up to \$7,500 to attend private schools. In the current 2008–2009 school year, the program is helping more than 1,700 children attend a private school of their parents' choice.

Recent legislative activity in Congress is threatening the future of the D.C. Opportunity Scholarship Program. In March, President Obama signed into law the Omnibus Appropriations Act of 2009 (H.R. 1105), which requires reauthorization by

Congress as well as authorization by the D.C. City Council in order for the OSP to continue.⁹ So, without a reauthorization vote by Congress, children would no longer be able to receive scholarships after the 2009–2010 school year, ending the successful program. As the omnibus legislation was considered by the Senate, Senator John Ensign (R–NV) offered an amendment that would have struck the reauthorization requirement. The amendment was voted down in the Senate 39–58.¹⁰ According to the Heritage Foundation's survey of Congress, Senator Ensign's amendment would have been approved if Members who exercised school choice for their own children had voted in favor of the amendment. Congress is expected to consider reauthorization this spring.

Why Congress Should Support Private School Choice

Across the country, state and local policymakers are increasingly enacting private-school-choice programs. Eleven states and the District of Columbia now offer voucher programs, and seven states offer scholarship tax credits.¹¹ Private-school scholarship programs benefited approximately 171,000 children in 2008—a growth of 89 percent since 2004.¹² Recent experience suggests that school-choice policies are gaining momentum in state legislatures across the country. From 2007 to 2008, 44 states introduced school-choice legislation, and in 2008, both Georgia and Louisiana enacted school-choice measures.¹³ In Georgia, a new scholarship tax credit encourages businesses and individuals to make donations to non-profit groups that award private-school scholarships. In Louisiana, a school voucher program is helping low-income children in New Orleans attend private schools.¹⁴

Parental Demand for School-Choice Programs.

Many parents recognize the benefits of being able to choose a school that best fits their child's academic needs, and school-choice programs are popular as a result. In the nation's capital, there were four applicants for each available slot in the D.C. Opportunity Scholarship Program since the program began in 2004; nearly 20,000 students participated in Milwaukee's voucher program in 2008; and in Florida, more than 19,000 students with disabilities are currently attending private schools of their parents' choice through McKay Scholarships, which provide vouchers to attend any public or private school in the state.¹⁵ Members of Congress also recognize the positive benefits of school choice, evidenced by the fact that they have sent their own children to private schools at a rate far exceeding that of general public enrollment in private school.

Improved Family Satisfaction. Parents who are able to exercise school choice for their children report being more satisfied with their children's school and education than parents whose children attend an assigned public school.¹⁶ Parents of children attending a chosen public school—in districts offering public-school choice or with public charter schools—or private school are also more satisfied with the teachers, academic standards, and discipline, compared to parents of children in an assigned public school.¹⁷ In Washington, D.C., the OSP has produced similar results. Parents of children receiving scholarships report increased satisfaction with their children's school and overall academic experience. Parents reported positive changes in their children's outlook on learning, improved homework habits, and the ability to make a choice in

9. Text of H.R. 1105, Omnibus Appropriations Act of 2009, at <http://www.govtrack.us/congress/billtext.xpd?bill=h111-1105> (March 31, 2009).

10. "S.Amdt. 615: To strike the restrictions on the District of Columbia Opportunity Scholarship Program," at <http://www.govtrack.us/congress/amendment.xpd?session=111&amdt=s615> (March 31, 2009)

11. "School Choice Yearbook 2008–09."

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

16. Dan Lips, Jennifer Marshall, and Lindsey Burke, "A Parent's Guide to Education Reform," The Heritage Foundation, 2008, at <http://www.heritage.org/Research/Education/upload/EducationReform-web.pdf>.

17. *Ibid.*

their children's education as the reasons for their high levels of satisfaction.¹⁸ Parents of children enrolled in school-choice programs are satisfied with their experiences and feel that their children are safer in school and excel academically.¹⁹

Improved Academic Achievement. School choice improves student learning.²⁰ Studies of school-voucher programs have shown that children benefit academically from the opportunity to attend a private school.²¹ Students enrolled in the popular D.C. OSP improved academically and achieved higher reading levels than students who had not been awarded a voucher.²²

Encouraging Public School Improvement. School choice boosts improvement in public schools through competition. Research has shown that competition spurred by school choice has had a positive effect on public education in Arizona, Michigan, and Milwaukee, Wisconsin.²³ School choice programs demonstrate that parents want more from public schools, improving the overall effectiveness of public education.²⁴ When families are provided with a choice in their children's education, public schools are pushed to offer a product that meets their needs and are no longer able to stay in business by virtue of existing as the only educational game in town.

Supporting Private School Choice in the 111th Congress

Members of Congress have the opportunity to protect and expand private-school choice during the 111th Congress. To begin, Members can—and should—support the reauthorization of the D.C.

Opportunity Scholarship Program to continue to give low-income families in the nation's capital the power to choose a safe and effective school for their children. If all of the Members of Congress who either attended private school or chose a private school for their own children support the D.C. Opportunity Scholarship program, its reauthorization will be assured.

Average citizens and Members of Congress alike have shown that they value the educational opportunities that school choice provides, and that they recognize the importance of a safe and effective education for their children. This is especially true for Members of Congress, many of whom learned this lesson early when they enjoyed their own private education. The 111th Congress has embraced school choice in practice—with 44 percent of the Senate and 36 percent of the House having ever sent their children to private school. Furthermore, 21 percent of Senators and 20 percent of Representatives attended private high schools themselves.

While Members of the 111th Congress have embraced school choice for their own families, they should also support policies that give other families the opportunity to choose their children's schools. All families should have the opportunity to send their children to a school that is safe and offers a quality education.

—Lindsey Burke is a Research Assistant in the Domestic Policy Studies Department at The Heritage Foundation. Gregory Markle and Leigh Sethman, Heritage Foundation interns, contributed to this paper.

18. Lindsey Burke, "D.C. Opportunity Scholarship Program: Study Supports Expansion," Heritage Foundation WebMemo No. 2297, February 18, 2009, at <http://www.heritage.org/Research/Education/wm2297.cfm>.

19. Thomas Stewart *et al.*, "Family Reflections on the District of Columbia Opportunity Scholarship Program," School Choice Demonstration Project, University of Arkansas, January 2009, at http://www.uaedreform.org/SCDP/DC_Research/2009_Final.pdf (March 31, 2009).

20. Lips, Marshall, and Burke, "A Parent's Guide to Education Reform."

21. Patrick J. Wolf, "School Voucher Programs: What the Research Says About Parental School Choice," *Brigham Young University Law Review*, No. 2 (2008).

22. Shanea Watkins, "Safer Kids, Better Test Scores: The D.C. Voucher Program Works," Heritage Foundation WebMemo No. 1965, June 20, 2008, at <http://www.heritage.org/Research/Education/wm1965.cfm>.

23. Lips, Marshall, and Burke, "A Parent's Guide to Education Reform."

24. Dan Lips, "School Choice: Policy Developments and National Participation Estimates in 2007–2008," Heritage Foundation Backgrounder No. 2102, January 31, 2008, at <http://www.heritage.org/Research/Education/bg2102.cfm>.

APPENDIX METHODOLOGY

As of April 1, 2009, there were 531 filled congressional seats. Due to four pending races at the time of survey collection, Congress did not comprise a full 535 members. In the Senate, 58 Democrats and 41 Republicans comprised the 99 elected members at the time of this survey. One disputed race in Minnesota between Democrat Al Franken and Republican Norm Coleman was unresolved. In the House, 254 Republicans and 178 Democrats comprised the 432 elected members. Three seats

were vacated by Presidential appointments, and had yet to be filled at the time of publication. The seats of President Obama's Chief of Staff Rahm Emanuel, Kristen Gillibrand, who resigned from the House to fill the Senate seat vacated by Hillary Clinton, and Hilda Solis, who was appointed as Secretary of Labor, remain unfilled and account for the three-member discrepancy in the House.

In addition, there are currently two Independents in Congress—Senator Joseph Lieberman (CT)

How Members of the 111th Congress Exercise Private-School Choice For Their Children

Each legislative body's private school choice rate is calculated as the percentage of survey respondents who said they had ever sent a child to private school.

| | Survey Responses | | | | Survey Response Rate | Private School Choice Rate |
|---|------------------|---------------|-------------|-------------|----------------------|----------------------------|
| | Private School | Public School | No Children | No Response | | |
| All Members of Congress | 137 | 227 | 71 | 96 | 82% | 38% |
| U.S. House of Representatives | 103 | 183 | 63 | 83 | 81% | 36% |
| <i>Republicans</i> | 52 | 84 | 20 | 25 | 86% | 38% |
| <i>Democrats</i> | 51 | 99 | 43 | 58 | 77% | 34% |
| Education and Labor Committee | 7 | 23 | 8 | 8 | 83% | 23% |
| <i>Republicans</i> | 4 | 12 | 2 | 1 | 95% | 25% |
| <i>Democrats</i> | 3 | 11 | 6 | 7 | 74% | 21% |
| Appropriations Committee | 16 | 26 | 10 | 8 | 87% | 38% |
| <i>Republicans</i> | 7 | 12 | 2 | 2 | 91% | 37% |
| <i>Democrats</i> | 9 | 14 | 8 | 6 | 84% | 39% |
| Ways and Means Committee | 10 | 23 | 2 | 6 | 85% | 30% |
| <i>Republicans</i> | 4 | 7 | 1 | 3 | 80% | 36% |
| <i>Democrats</i> | 6 | 16 | 1 | 3 | 88% | 27% |
| U.S. Senate | 35 | 44 | 8 | 12 | 88% | 44% |
| <i>Republicans</i> | 19 | 17 | 3 | 3 | 93% | 53% |
| <i>Democrats</i> | 16 | 27 | 5 | 9 | 84% | 37% |
| Finance Committee | 7 | 13 | 1 | 2 | 91% | 35% |
| <i>Republicans</i> | 3 | 6 | 0 | 1 | 90% | 33% |
| <i>Democrats</i> | 4 | 7 | 1 | 1 | 92% | 36% |
| Health, Education, Labor, and Pensions Committee | 7 | 11 | 3 | 1 | 95% | 39% |
| <i>Republicans</i> | 4 | 4 | 1 | 1 | 90% | 50% |
| <i>Democrats</i> | 3 | 7 | 2 | 0 | 100% | 30% |
| Congressional Black Caucus | 9 | 14 | 8 | 8 | 79% | 39% |
| Congressional Hispanic Caucus | 4 | 9 | 3 | 6 | 73% | 31% |

Sources: Heritage Foundation telephone and e-mail survey conducted February 13 to March 13, 2009; previous Heritage Foundation surveys on Members of Congress and school choice.

Table A1 • B 2257 heritage.org

and Senator Bernie Sanders (VT). Both Senators caucus with Democrats, so for the purposes of this survey, they are counted as Democrats.

The Heritage Foundation conducted two separate surveys to determine how Members of Congress practice private-school choice for their children and to determine the private-school-choice history of the Members themselves. For both surveys, Members were informed that their names and identifying characteristics would remain anonymous.

Methodology relating to how Members of Congress practiced school choice for their children. Information on where Members of Congress sent their children to school was gleaned from previous iterations of the Heritage survey, when available, and from calls placed to the offices of new and returning Members of the 111th Congress. Prior responses were combined with new information to obtain the highest response rate possible. To obtain information on whether Members of Congress sent their children to public or private school, three methods were employed in the 2009 survey: 1) placing calls and e-mail inquiries directly to congressional offices, 2) conducting open-source searches on the Internet, and 3) using information from previous Heritage surveys.

Members were specifically contacted if they were part of the freshman class of the 111th Congress; had provided a “no” answer in previous versions of the Heritage survey, meaning they had not yet sent a child to private school; or had in previous versions of the survey indicated that their children were not yet of school age (in those cases, Heritage later contacted the Members again). After these categories of Members were contacted by phone, open-source searches were conducted in order to obtain any missing information. Open-source searches included Member biographies, Members’ congressional Web sites, campaign Web sites, and newspaper articles.

Between February 13 and March 13, 2009, The Heritage Foundation contacted the staff of new Members of the 111th Congress and existing Members from whom a previous survey response had not been obtained. Staff were asked whether the Member had children and, if so, whether those

children had at any point in their elementary and secondary education attended private school. Members were classified as having exercised private-school choice if they had sent at least one child to private school at any point in time. Using this methodology, which included calls and e-mails placed to congressional offices, information from previous versions of the Heritage survey, and information gleaned from open-source searches, the response rate for the survey was 87 percent for Senators, and 81 percent for Representatives, with an overall response rate of 82 percent for the entire Congress. This response rate was higher than the 2007 survey response rate of 72 percent for Senators and 69 percent for Representatives.²⁵

Methodology concerning where Members themselves attended secondary school. The private-school background of the Members themselves was obtained primarily through open-source searches, which included Member biographies, Members’ congressional Web sites, campaign Web sites, and

Where Members of Congress Went to School

About 20 percent of Members of the 111th Congress themselves attended private school. That figure is higher than the national rate (11 percent). Members of Congress send their children to private school at an even higher rate: 38 percent.

| | Private School | Public School | Percentage Private |
|---------------------------------|----------------|---------------|--------------------|
| Senate | 12 | 59 | 17% |
| <i>Republicans</i> | 4 | 26 | 13% |
| <i>Democrats</i> | 8 | 33 | 20% |
| House of Representatives | 70 | 275 | 20% |
| <i>Republicans</i> | 28 | 115 | 20% |
| <i>Democrats</i> | 42 | 160 | 21% |

Note: Percentages were calculated from publicly available information; information was not available for 28 Senators and 87 Representatives.

Sources: Heritage Foundation telephone and e-mail survey conducted February 13 to March 13, 2009; previous Heritage Foundation surveys on Members of Congress and school choice.

Table A2 • B 2257 heritage.org

25. Feinberg, “How Members of Congress Practice Private School Choice.”

newspaper articles, in combination with calls and e-mails to congressional offices. Members whose information was unavailable publicly were contacted by phone or e-mail and asked if they had attended a public or private secondary school.

Not every Member of Congress responded to the Heritage survey, and for some Members there was no public information. In total, information was available for 416 of 531 Members of Congress, representing 78 percent of Congress.