



# Mapping the Growth of Statewide Voucher Programs in the United States

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March 2015

## INTRODUCTION

School vouchers typically refer to government provision of funds to assist parents/guardians in sending their children to private rather than public schools. Unlike tax credit programs, which allow parents/guardians to credit amounts spent on private school tuition to taxes owed, voucher programs give parents/guardians assistance with paying for private school tuition up front (Alexander & Alexander, 2009). Although the structures of voucher programs vary, the funds for vouchers generally come from either specific school district funds or from the overall state education budget. Some voucher programs are funded privately, but these kinds of vouchers are not addressed in this brief.

Publicly funded voucher programs have operated in Maine and Vermont since the late 1800s (“Town Tuitioning Programs”; National Conference of State Legislatures, 2014). However, the policy context for such programs is significantly different from that surrounding the more contemporary programs which have only been part of the educational policy landscape in the United States since the early 1990s; thus, we do not include Town Tuitioning programs in this brief. Most of the contemporary programs have been limited, either geographically to specific

districts or metropolitan regions, or by demographics, to students with specific educational needs. This brief focuses solely on currently operating statewide, general education voucher programs which have income eligibility requirements. In this brief, students in a general education program refer to students whose education is not guided by an Individualized Education Program (IEP). The term general education (classroom, curriculum, setting) is borrowed from the literature on special education (e.g., Huefner, 2006). Voucher programs meeting these criteria currently exist in Wisconsin, Ohio, Indiana, and Louisiana.

The first statewide voucher program for students in general education programs was established in 1999 (Florida), and Ohio began implementing its statewide program in 2006, but it was not until the last five years that unprecedented growth in statewide voucher programs occurred. Since 2011, two statewide voucher programs have been launched (Indiana and Louisiana), another initially local program in Wisconsin was expanded by changing its eligibility requirements to accommodate the whole state, one program was launched and promptly deemed unconstitutional (North Carolina), and the Ohio statewide program has expanded funding and eligibility. Given this recent growth in statewide

voucher programs in the U.S., a closer examination comparing these programs and their potential policy implications is warranted.<sup>1</sup>

Our areas of focus include:

- state policy context, program establishment, and history;
- voucher amounts;
- student eligibility and selection;
- eligibility and accountability criteria for participating private schools; and
- legal challenges.

Finally, we explore the implications of the establishment of new statewide voucher programs and the expansion of existing programs.

## STATEWIDE VOUCHER PROGRAMS: HISTORY AND LEGAL CONTEXT

The recent establishment and expansion of statewide voucher programs are predated by two programs: the Florida Opportunity Scholarship Program and the Ohio Educational Choice Scholarship Program (see below).

Between 1999 and 2006, the Florida program provided vouchers for students in grades K – 12 assigned to public schools that received a failing grade for two out of four years on the school grading system (Center on Education Policy [CEP], 2011; Dillon, 2006; “Florida Begins Voucher Plan for Education,” 1999). Students who were awarded a voucher were able to attend either a participating private school or transfer to a public school which had received a grade of “C” or higher on the statewide assessment (CEP, 2011; Florida Department of Education, n.d.). However, in January 2006 the Florida Supreme Court ruled that the private school option offered by the program was unconstitutional (*Bush v. Holmes*,

<sup>1</sup> Although the program in North Carolina fits the statewide model, we do not describe it here since it is currently under appeal in the North Carolina Court of Appeals. The court ruled, however, in September 2014 that voucher funds would be disbursed to scholarship recipients while the case is being decided (Wagner, 2014).

2006; CEP, 2011; Dillon, 2006). The program does continue to provide transfers for eligible students to attend higher performing public schools (Florida Department of Education, n.d.).

The constitutionality of voucher programs, specifically those including sectarian schools, was established by the United States Supreme Court in 2002. The Court upheld Ohio’s Cleveland Scholarship and Tutoring Program on the grounds of “nonpreference,” which refers to the Court’s opinion that the government does not give preference to religious schools in voucher programs; rather, parents make the decision whether or not to use their voucher funds for a religious program. Thus, the “program permits the participation of all schools within the district, religious or nonreligious” (*Zelman v. Simmons-Harris*, 2002). This decision set a federal legal precedent for voucher programs to include sectarian schools, at least in regards to the Establishment Clause of the First Amendment (Alexander & Alexander, 2009).

All subsequent legal challenges on vouchers have been made on the basis of state constitutions and in state courts, as the cases of Indiana and Louisiana demonstrate. Given that each state’s constitution is unique, what is deemed constitutional in one state may be unconstitutional in another; “Blaine Amendments” is the term used for state-level legal authorities (constitutional or legislative) that prohibit public funding of private schools (DeForrest, 2003). Some of these legal challenges question the source of funding for vouchers, as exemplified by the legal challenge in Louisiana. Other questions involve issues of separation of church and state at the state level, as demonstrated by the *Meredith v. Pence* (2013) case in Indiana. In contrast, the case in Florida pivoted on clear constitutional language dedicating taxpayer funds for solely public education institutions.

The following sections of this brief provide state-by-state historical and legal context for the establishment and/or development of the more recent programs. City and/or district programs are included when they are part of the evolution of the statewide program.

## Wisconsin

The state of Wisconsin houses one of the oldest voucher programs in the nation, the Milwaukee Parental Choice Program (MPCP), which predated the statewide program by over twenty years. The MPCP, established by the state legislature in 1990, now serves over 25,000 students. In the nearly 25 years since its inception, the legislature has expanded the Milwaukee program in a variety of ways, from the inclusion of private religious schools into the program (Wisconsin Act 27 § 4002, 1995), to the raising of the income eligibility threshold (Wisconsin Act 125 § 4, 2005; Wis. Stat. § 119.23(2)(a)(1)(a)), to the elimination of an enrollment cap after multiple increases (Wisconsin Act 16 § 2300, 1993; Wisconsin Act 27 § 4003, 1995; Wisconsin Act 32 § 2539, 2011; Wisconsin Act 125 § 7, 2005; for more historical detail on the program, see Kava, 2013). The Milwaukee Parental Choice Program was challenged immediately upon its inception (1990) and again when the program expanded to include religious schools (1997). However, the *Zelman* precedent was established soon after (2002), and all Wisconsin programs and extensions survived these legal challenges (Kava, 2013).

Wisconsin loosened income eligibility requirements for the Milwaukee Parental Choice Program in 2011, changing the requirements from 175 percent of the federal poverty guideline to 300 percent of the federal poverty guideline (Wisconsin Act 32 § 2536(c), 2011). Also in 2011, with support from Governor Scott Walker, the Wisconsin state legislature established the Racine

Parental Choice Program (RPCP). This program provides vouchers for students in the Racine Unified School District and has the same income requirement of 300 percent of the federal poverty level (Marley & Stein, 2011; State Representative Robin Vos, 2011; Wisconsin Act 32 § 2536(c), 2011). In 2013, the state—again led by Governor Walker—increased funding by nine percent to expand vouchers statewide. The Wisconsin Parental Choice Program (WPCP) now serves low-income students throughout the state, excluding those eligible for the Milwaukee or Racine programs (Meehan, 2013; Stein & Marley, 2013; Wisconsin Act 20 § 1829, 2013; Wis. Stat. § 118.60(1)(am)). The Milwaukee and Racine programs are funded by the state; about one-third of these funds would have been allocated to the public school districts, and therefore reflect a reduction in funding to the district (Wisconsin Department of Public Instruction [Wis. DPI], 2014e, 2014f; see Kava, 2013 for a history of the three programs' funding mechanisms).

The primary differences between the WPCP and the Milwaukee and Racine programs are the income eligibility levels and enrollment caps. To be eligible for the WPCP, household income may not exceed 185 percent of the federal poverty level, which is the same as the federal reduced price lunch guideline (Wis. DPI, 2014h; Wis. Stat. § 118.60(2)(bm)), as compared to the 300 percent threshold set for the Milwaukee and Racine Programs (Wis. Stat. § 118.60(2)(a)(1)(a); Wis. Stat. § 119.23(2)(a)(1)(a)). In the first year of the WPCP, 2013 – 2014, enrollment in the program was capped at 500 students across the state. The cap increased to 1,000 students for the 2014 – 2015 school year, and in the third year of the program (2015 – 2016) there will be no cap (Wis. Stat. § 118.60(2)(be)). However, even after the total enrollment cap is lifted, no more than one percent of students from any individual school district may enroll in the program (Wis. DPI, 2014d; Wis. Stat. § 118.60(2)(be)(3)). As outlined

in the state statute, student acceptance into the program must be random (with a few exceptions, such as preference for siblings or prior year enrollment) (Wis. Stat. § 118.60(3)(a)).

Like the MPCP and RPCP, although students must meet the income requirements when they enter the WPCP, they are able to remain in the program if household income rises (Wis. Stat. § 118.60(2)(a)(1)(a)). However, if family income rises above a certain threshold (220 percent of the federal poverty level), a private school may charge the difference, if any, between the amount of the award and the school's tuition. This allowance is the only instance in all three Wisconsin programs in which the family may be charged the difference in tuition, and it may only be charged to families of continuing students in grades 9 through 12 (Wis. Stat. § 118.60(3m)(a)). New program participants cannot be charged any tuition difference (Wis. DPI, 2014a, 2014h).

In most other ways, the WPCP is essentially the same as the MPCP and RPCP. Students in grades K through 12 are eligible for all programs (Wis. DPI, 2014b, 2014c, 2014d). None of the programs have a requirement that the “sending school”—an applicant's previous or current school—be below a certain level of performance. Equally, there is no requirement that the sending school must be a public school. Wisconsin's statewide voucher program provides the same scholarship amounts for participating students as the Milwaukee and Racine programs. In 2013 – 2014, the per-pupil award was \$6,442 or the private school's cost of education, whichever was less. In 2014 – 2015, the maximum amount which can be awarded is \$7,210 for students in grades K through 8 and \$7,856 for students in grades 9 through 12 (Wis. Stat. §§ 118.60(4)(bg)(1-2)). In each subsequent school year, the voucher payments are the lesser of (a) the private school's cost of educating the student or (b) the sum of the previous amount paid to a private school,

any per-pupil revenue adjustment, and any positive change in categorical state aid between the previous and current years (Wis. Stat. §§ 118.60 (4)(bg)(3)(a-b)).

Private schools must meet certain eligibility criteria in order to participate in the Wisconsin programs. These criteria expanded for the MPCP between 1995 and 2011, and the RPCP and WPCP criteria for schools align with those for the current MPCP. Major changes for the MPCP before 2011 include expansion to sectarian schools and a requirement that participating schools “be subject to uniform financial accounting standards and provide for an annual independent financial audit” (Kava, 2013, p. 1; Wisconsin Act 27 § 4007(r), 1995). In 2003, Wisconsin Act 155 § 5 created a provision by which the state superintendent could prevent or eliminate schools from participating in the program as a penalty for prohibited financial practices. Wisconsin Act 125 § 6 (2005) mandated that participating private schools become accredited and administer one of several approved standardized tests in certain grade levels and subjects (Kava, 2013). Additional requirements regarding testing, promotion, staff credentials, instructional hours, and academic standards were added by Wisconsin Act 28 (2009)—for example, requiring participating private schools to use the same standardized tests that are administered in the public school system (Wisconsin Act 28 § 2267) and to publicly report aggregated student scores on such tests (Wisconsin Act 28 § 2256; also see Witte, Carlson, Cowen, Fleming, & Wolf, 2012). These requirements, in addition to general compliance requirements around health and safety laws and proof of financial viability, now govern all three programs. The state superintendent continues to have the authority to terminate a school's participation under certain circumstances (Kava, 2013).

## Ohio

Ohio's voucher history begins in the mid-1990s. In 1995, the Ohio General Assembly passed legislation for the Cleveland Scholarship and Tutoring Program (CSTP), and the statewide voucher program, EdChoice, was established in 2006. The Ohio voucher programs for general education students differ most significantly from those in Wisconsin by their eligibility requirements. Originally, eligibility requirements in the CSTP were threefold: students were to be (1) in grades K through 8, (2) residing within the Cleveland Metropolitan School District, and (3) not requiring special education services outside of the general education classroom (Belfield, 2006). Income below a certain threshold was not originally required for eligibility, but rather students from low income families were "given preference." In practice, the Cleveland voucher program used a lottery process that gave preference to low-income families (Belfield, 2006). In addition, voucher amounts were tiered to cover either 75 percent or 90 percent of the school's tuition, based on family income (Belfield, 2006; National Center for the Study of Privatization in Education, n.d.). The original voucher program in Cleveland did not require student applicants to be currently enrolled in a failing school, and no preference was given to student applicants from failing schools; this aspect of the program remains the same in its current form. Some of the other original program requirements have changed over time, such as expanding to include students in grades 9 through 12 (Ohio Am. Sub. H.B. 66, 2005, p. 180; Ohio Am. Sub. H.B. 95, 2003, pp. 170-171). The funding structure for the current Cleveland program mirrors the current funding structure of EdChoice (see below; Ohio Rev. Code Ann. § 3313.976).

In contrast to the Cleveland program, the priority eligibility criterion for the EdChoice program is

current enrollment in or future assignment to a low-performing school; an additional eligibility criterion requires that students would have otherwise been assigned to a low-performing school if they were not already in a choice program (Ohio Department of Education [ODE], 2014a). From 2006 to 2013, the EdChoice scholarship program was only available to students who were attending schools which had received either a grade of "D" or "F" on two of the three most recent state report cards of school performance; this original version of the program had no income requirement for participation. An expansion of eligibility and funding occurred in the 2013 Ohio state budget due to the revised definition of a low-performing school; this definition was expanded to include schools which receive a "D" or "F" on the value-added progress indicator—not just on overall performance (Bloom, 2013; Ohio Rev. Code Ann. § 3310.03(A)(1)(b)). At the secondary level, if a student was assigned to a school which serves only grades 10 through 12, the school's four-year adjusted cohort graduation rate must be less than 75 percent and have a performance index score of "D" or "F" in order for that student to be eligible to participate in the program (Ohio Rev. Code Ann. § 3310.03(A)(1)(b)).

In the 2013 budget, Ohio also revised the eligibility requirements for EdChoice scholarships to include specific preferences for students from low-income households (Bloom, 2013; Mid-Biennial Budget Review Bill, 2012; ODE, 2014a). The current eligibility requirements are still primarily informed by whether a student is in a school placed on "academic watch" or "academic emergency," but there are two income-related caveats. First, if voucher demand is greater than the available number of scholarships, low-income families are given preference. Second, families with income above 200 percent of the federal poverty level may have to pay the difference between the school's tuition and the amount of the voucher (ODE, 2014a). In addition, as of

2013, low-income students who do not meet the school enrollment requirement are eligible for EdChoice “expansion” scholarships (ODE, 2014a); however, eligibility will gradually increase, by the inclusion of one additional grade level per school year (Ohio Rev. Code Ann. §§ 3310.032(C)(1-2)). As grades are added each year, the cap on vouchers is increased by 2,000 each year. Kindergarten was the only eligible grade in 2013 – 2014, and entering low-income kindergarteners and first graders were both eligible in the 2014 – 2015 school year to apply for 4,000 vouchers through the EdChoice expansion (ODE, n.d.b).

The state of Ohio increased the funding for the original (non-low-income) EdChoice program twice over the last three years and therefore also increased the number of vouchers available, from 14,000 in 2010 – 2011 to 30,000 in 2011 – 2012. In 2013, the total number of scholarships available increased again, to 60,000. EdChoice scholarships provide up to \$4,250 for grades K through 8 and \$5,000 for students in grades 9 through 12 (“How Ohio’s Voucher Program Works,” n.d.). Like the Cleveland program, the EdChoice scholarship will pay either the scholarship amount or the private school’s actual tuition amount, whichever is less. Students from households with incomes at or below the 200 percent federal poverty guideline are eligible for the full scholarship amount through the EdChoice expansion (Ohio Rev. Code Ann. §§ 3310.032(E)(1-3)). A student who enters the program through the low-income expansion may continue to receive the scholarship in subsequent years even if household income increases; however, if household income does increase, the scholarship amount decreases. Students with household income above 200 percent but at or below 300 percent of the poverty guideline are eligible to receive a voucher in the amount of 75 percent of the full scholarship amount, and students from households with income above 300 percent but at or below 400 percent are eligible for 50 percent scholarships

(Ohio Rev. Code Ann. §§ 3310.032(E)(1-3)). If household income increases above 400 percent, a student is no longer eligible for the EdChoice expansion scholarship (Ohio Rev. Code Ann. §§ 3310.032(E)(1-3)). Students who qualify for low-income status (below 200 percent of the federal poverty level) are not required to pay tuition that is not covered by the scholarship amount (ODE, 2014a).

As stated in Ohio Am. Sub. H.B. 1 (2009), EdChoice voucher funds are deducted from the state funding amounts that go to individual school districts. However, the vouchers for the income-based expansion in 2013 do not come out of individual school district budgets; these funds come directly from the state budget (Ohio Am. Sub. H.B. 59, 2013). The financial impact of voucher funding on individual district budgets in Ohio is not clear. Carr (2011) suggests that the impact of EdChoice on districts with the highest percentages of participating students is “marginal,” representing on average less than a one percent loss in district funds (p. 264). However, Carr does not provide specific data analysis. More research is needed in order to understand the financial impact of Ohio’s voucher programs.

Requirements for participating private schools, as of 2012, include the following: non-discrimination in terms of student race, religious affiliation, or national or ethnic origin; a minimum of ten students per class or a total of twenty-five students in all classes offered; refrains from encouraging or teaching hate speech or related behaviors; meets all state minimum standards for chartered nonpublic schools; disseminates only true and accurate information; and administers assessments as required by the Ohio Rev. Code Ann. §§ 3301.0710-0711 and reports assessment results to the state agency. Participating schools’ principals must also be licensed by the state of Ohio. Ohio Administrative

Code § 3301-11-11(10) states that each school must follow its own admission policy without discrimination of students on the grounds of being a scholarship student. Academic performance is not addressed in the non-discrimination clause, which suggests that participating schools may use selective admissions criteria. If a school meets these requirements, the state superintendent *must* register the school (Ohio Rev. Code Ann. § 3313.976).

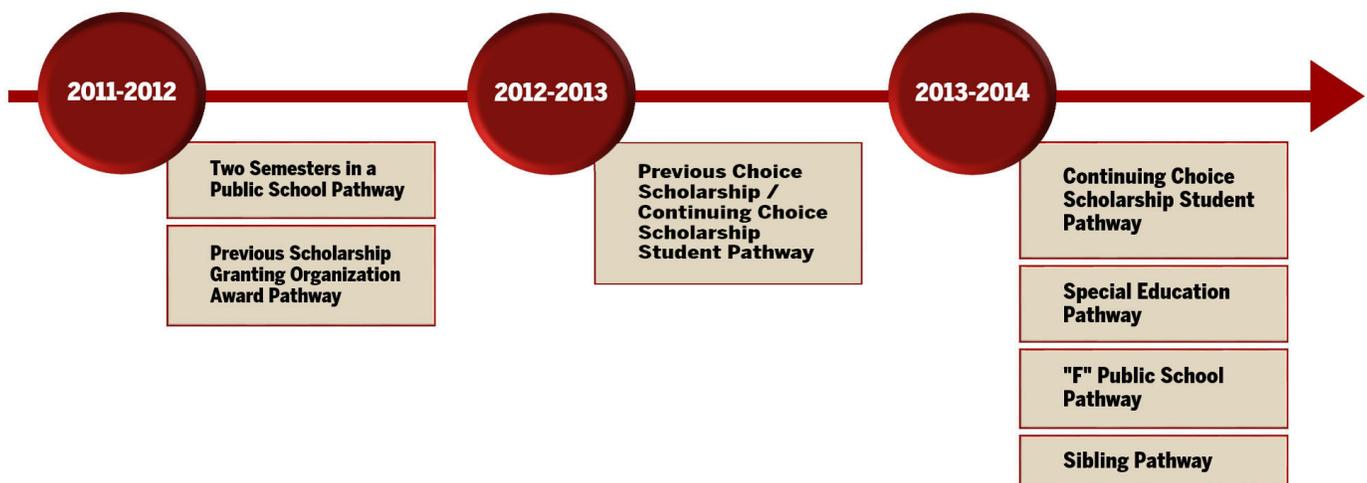
### Indiana

The Indiana Choice Scholarship Program (ICS) was established in 2011 under House Enrolled Act (HEA) 1003-2011 (Cierniak, Billick, & Ruddy, 2015; Indiana Department of Education [IDOE], 2014a). Indiana Choice Scholarships are designed to cover a percentage of the cost of tuition and fees at eligible schools for students meeting designated eligibility criteria. The program expanded following 2013 legislation, which introduced additional student “eligibility pathways,” modified family income eligibility criteria, and eliminated the cap on the number of students who can participate in the program. School eligibility requirements include accreditation by the state board or an agency recognized by the state board; willingness to administer the Indiana state standardized test; and submission of

additional required performance data to the Department of Education (Ind. Code § 20-51-1-4.7). Participating schools are not required to meet any minimum standards of performance.

In order to participate in the program, students must meet the requirements of at least one designated eligibility pathway. Under the original structure, students were able to access the ICS program through two pathways: the Two Semesters in a Public School Pathway and the Previous Scholarship Granting Organization (SGO) Award Pathway. The Previous Choice Scholarship/Continuing Choice Scholarship Student Pathway was added for the second year of implementation (2012-2013; IDOE, 2014a). The 2013 changes introduced three new pathways—the Special Education Pathway, the “F” Public School Pathway, and the Sibling Pathway—and also differentiated between the Previous Choice Scholarship and Continuing Choice Scholarship Pathways (IDOE, 2014a). Eligibility for the Continuing Choice Scholarship pathway is determined by *continuous* participation in the program and enrollment at a participating school, whereas the Previous Choice pathway is open for students who received a scholarship in any year prior (Cierniak et al., 2015; see Figure 1).

**FIGURE 1. INDIANA CHOICE SCHOLARSHIP PATHWAYS**



Source: Indiana Department of Education, 2014a.

Students must also meet income requirements in order to receive a Choice scholarship. Indiana awards two different scholarship amounts to students: 90 percent awards and 50 percent awards. Students are eligible for a 90 percent scholarship if they are from households with an annual income at or below 100 percent of the eligibility criteria for reduced priced lunch (185 percent of the federal poverty level) (IDOE, 2014b). Individual award amounts vary due to differences in the actual cost of tuition and other variables, but the 90 percent award provides approximately \$4,000 – \$4,800 for students in grades K through 8 and \$5,500 – \$6,000 for students in grades 9 through 12 (IDOE, 2014b). Students are eligible for a 50 percent scholarship if they are from households with an annual income at or below 150 percent of the eligibility criteria for reduced price lunch (278 percent of federal poverty level). The 50 percent award provides approximately \$2,800 – \$3,200 for students in all grades (IDOE, 2014b).

Following the 2013 legislative changes, students who are eligible for the ICS program through the Continuing Choice or Special Education Pathways remain eligible for the 50 percent scholarship if they are from households with an annual income up to 200 percent of the reduced price lunch threshold (equal to 370 percent of the federal poverty level). Additionally, an “earning out” amendment was introduced to HEA 1003 in 2013. This provision allows current ICS students whose family income increases beyond 150 percent of reduced price lunch status (278 percent of the federal poverty level) to remain eligible, regardless of pathway, as long as the household income remains below the 200 percent limit of reduced price lunch status (Ind. Code § 20-51-4-2.5). There are no school failure criteria for student eligibility; that is, students do not have to be enrolled in a low-performing school in order to be eligible to apply for a scholarship.

During the first year of implementation, 2011 – 2012, the legislature imposed a cap of 7,500 scholarships; the available scholarships in the second year, 2012 – 2013, were more than double (15,000; IDOE, 2014a). During the first year, only slightly more than half of the available scholarships were used (3,911; 52 percent). In the second year, approximately 61 percent of the 15,000 scholarships were used (9,139). In the 2013 – 2014 school year, the legislature removed the cap on scholarships, and 19,809 students participated in the ICS program, an increase of approximately 117 percent from the previous school year (IDOE, 2014a). Of these nearly 20,000 students, the majority (72 percent; 14,196 students) participated in the ICS program through one of the original pathways and most (75.5 percent) received a 90 percent scholarship (IDOE, 2014a).

The ICS was legally challenged in 2012 by a group of plaintiffs in their capacity as taxpayers; these plaintiffs challenged the legality of diverting public tax revenues to private, religious schools under the Indiana Constitution. The Indiana supreme court upheld the constitutionality of the program in 2013 in the *Meredith v. Pence* (2013) decision, wherein the court ruled that the ICS program is fully compliant with the constitution. The court found that the program provides a suitable means for encouraging education for Indiana’s children without threatening the parallel uniform system of public schools guaranteed by the constitution (*Meredith v. Pence*, 2013). The court reasoned that the primary beneficiaries of the program are the families who receive scholarships, rather than the schools or the state. In this regard, the allocation of public funds to private schools, including religious schools, through the ICS program does not directly benefit religious institutions, and therefore does not violate the constitution (*Meredith v. Pence*, 2013). The specific judgment regarding religious institutions is of particular significance

for this voucher program, as over 90 percent of participating ICS schools are religiously affiliated (Cierniak et al., 2015).

## Louisiana

Louisiana's Scholarship Program (LSP), launched in 2012 for students throughout the state, is an expansion of the Student Scholarships for Educational Excellence Program, which was started as a pilot in New Orleans in 2008 (La. Admin. Code tit. 28 Part 153, Bulletin 133). In Louisiana, both public schools and non-public schools can participate in the program; 125 schools participated in the program in 2013 – 2014 (Louisiana Department of Education [LDOE], n.d.). Public schools which have received a rating of "A" or "B" on the school performance ratings are eligible to participate. Nonpublic schools must be approved by the Board of Elementary and Secondary Education pursuant to Louisiana Revised Statute 17 § 11, which includes the requirement that schools must provide "a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools" (La. Rev. Stat. 17 § 11(A)). Private schools must also comply with a federal court order that prohibits discrimination (*Brumfield v. Dodd*, 1975; LDOE, 2014a) and must meet standards regarding enrollment percentages, financial practices, student mobility rates, and health and safety (La. Admin. Code tit. 28 Part 153, Bulletin 133 § 1303). Ongoing participation as a school receiving scholarship students requires minimum performance on accountability measures including state standardized test scores (La. Admin. Code tit. 28 Part 153, Bulletin 133 § 1301; LDOE, n.d., 2012).

The Louisiana scholarships are limited to low-income students enrolled in failing schools. In order for a child to be eligible for a scholarship, he or she must have a family income that is equal to or less than 250 percent of the federal poverty guideline and be entering kindergarten or

enrolled in a low-performing public school (i.e., a public school with a "C," "D," or "F" grade on the state report card) (LDOE, 2014a). Students in "D" and "F" schools get first placement priority; if there are remaining available seats after these students have been placed, students coming from "C" schools are placed via random selection. There is no legal priority for students in "F" schools to be placed before students in "D" schools (La. Admin. Code tit. 28 Part 153, Bulletin 133 § 303(3)(b)). Students must also be residents of Louisiana (LDOE, 2014a).

Louisiana's program is unique in its approach to funding in that it does not provide a fixed or maximum voucher amount to families. Instead, scholarship amounts are determined by the private school's tuition fees or the per-pupil funding in the student's home district. The state pays the lesser of the two amounts (LDOE, 2014a). As a requirement, "Schools must accept the scholarship amount as full payment of all mandatory educational costs" (LDOE, 2014a, p. 1). The average scholarship amount in the 2013 – 2014 school year was \$5,311 (LDOE, 2014b). The program does not have a hard enrollment cap, but available seats are dependent on (1) the number of available seats in participating schools and (2) the amount of money allocated by the state legislature each year (La. Admin. Code tit. 28 Part 153, Bulletin 133 § 301(B)(1)(a); Louisiana Black Alliance for Educational Options, n.d.; Louisiana House Bill No. 1, 2014). During 2008 – 2012, when the program was limited to the New Orleans Recovery School District, eligible grade levels and student enrollment grew each year, though during this pilot phase enrollment did not meet program capacity for seats or funding (Cowen Institute for Public Education Initiatives, 2012). By 2012 – 2013, the program was oversubscribed, with over 10,000 applicants. About 5,500 students were offered a scholarship, and almost 5,000 of these accepted and used the voucher (LDOE, 2013).

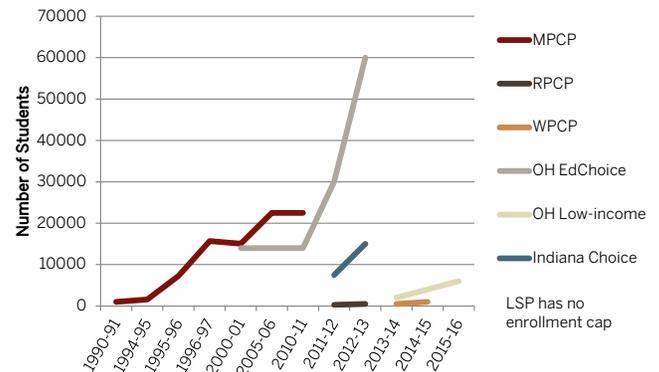
Like the other programs described in this brief, Louisiana’s voucher program has been the subject of legal challenges. In May of 2013, Louisiana’s Supreme Court issued a ruling on the constitutionality of the use of the state’s Minimum Foundation Program (MFP) funds to support the voucher program. The state supreme court found that the use of these funds for the voucher program violated the state constitution, which requires that MFP funds be “equitably allocated to parish and city school systems” (La. Const. Art. 8 § 13(B)). However, in July 2013, led by Governor Bobby Jindal, the state legislature passed a budget that funded the voucher program similarly to the funding mechanism for the pilot program in New Orleans (Spalding, 2014; Louisiana Federation for Children, 2013).

After the change in funding, the case then went to the U.S. Department of Justice (DOJ) on the grounds that it interfered with the *Brumfield v. Dodd* (1975) desegregation order. However, analyses on the effects of the program on racial stratification showed that the LSP actually improved integration measures (Egalite & Mills, 2014). Therefore, the DOJ dropped the lawsuit in November 2013 (Dreilinger, 2014; Warren, 2013). The Louisiana Scholarship Program continues to offer vouchers to students across the state.

## DISCUSSION AND CONCLUSION

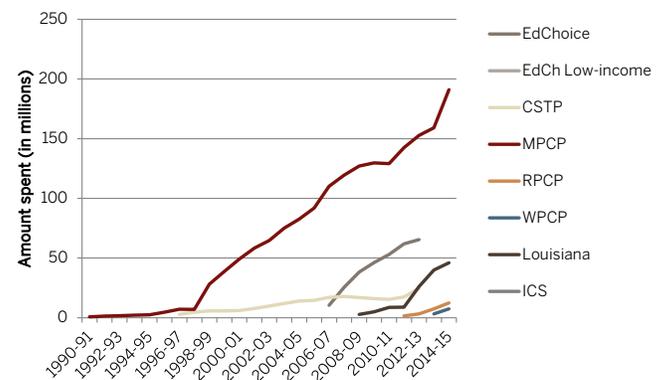
The number and scope of statewide voucher programs targeting students from low-income households (and/in some cases attending poorly performing schools) have expanded quickly in recent years, especially where there are already district- or city-specific programs in place, such as in Cleveland, Milwaukee, and New Orleans. This expansion reflects a trend of state legislatures being increasingly willing to provide financial support for the implementation of school choice programs, and supportive governors and other state leaders. The strongest patterns from the data

**FIGURE 2. ENROLLMENT CAPS (END OF LINE INDICATES CAP REMOVAL)**



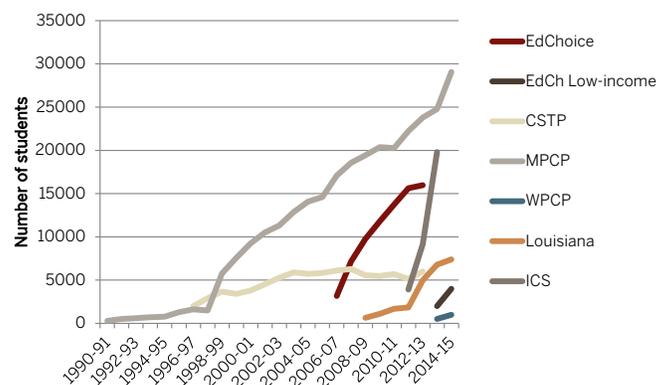
Sources: Amos, 2013; IDOE, 2014a; Kava, 2013; Ohio Rev. Code Ann. §§ 3310.032(C)(1-2); U.S. Department of Education, 2009; Wisconsin Act 16, 1993; Wisconsin Act 27, 1995; Wisconsin Act 32, 2011; Wisconsin Act 125, 2005; Wis. DPI, 2014d.

**FIGURE 3. FUNDING TRENDS IN STATEWIDE VOUCHER PROGRAMS**



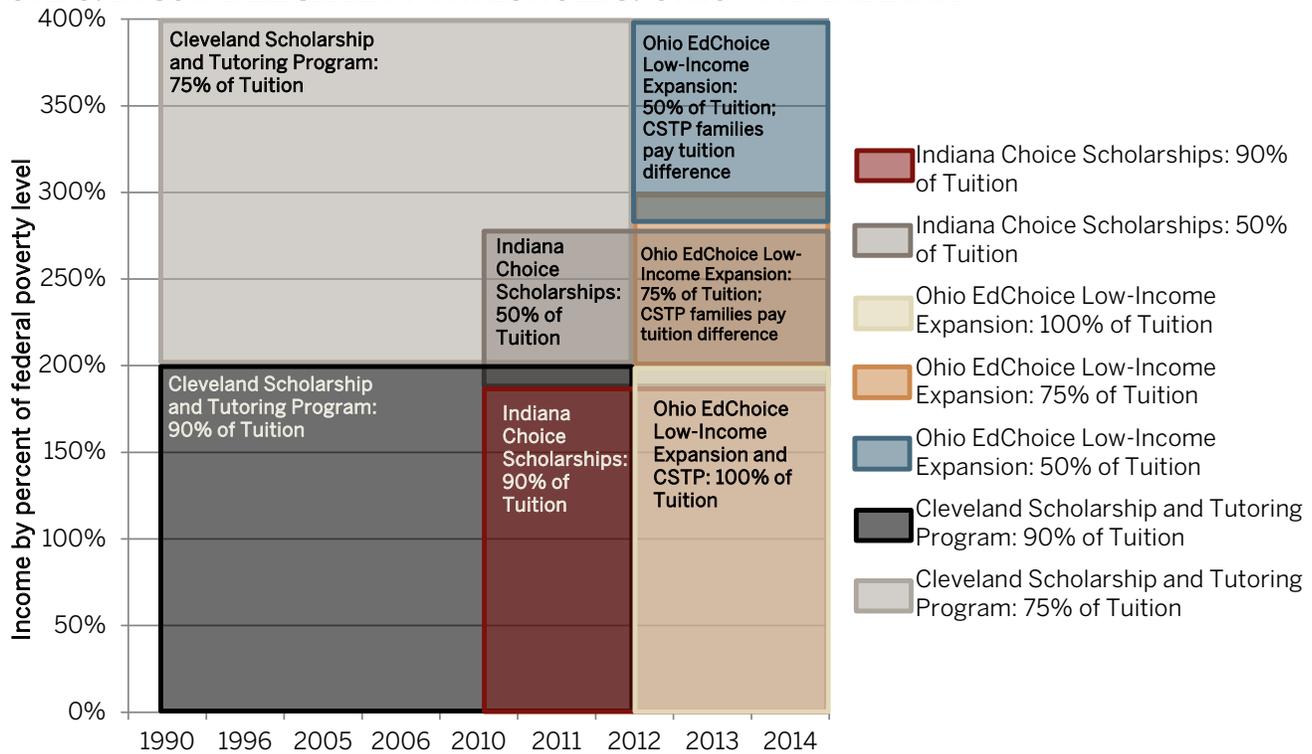
Sources: IDOE, 2014a; Louisiana Black Alliance for Educational Options, n.d.; LDOE, 2014a, 2014b; Louisiana House Bill No. 1, 2014; ODE, 2014b; Spalding, 2014; Wis. DPI, n.d., 2014f, 2014g, 2014i; 2014j.

**FIGURE 4. ENROLLMENT TRENDS IN STATEWIDE VOUCHER PROGRAMS**



Sources: IDOE, 2014a; Keip, n.d.; LDOE, 2013, 2014b; National Center for the Study of Privatization in Education, n.d.; ODE, n.d.a, 2014c; Spalding, 2014; U.S. Department of Education, 2009; Wis. DPI, n.d., 2014i, 2014j.

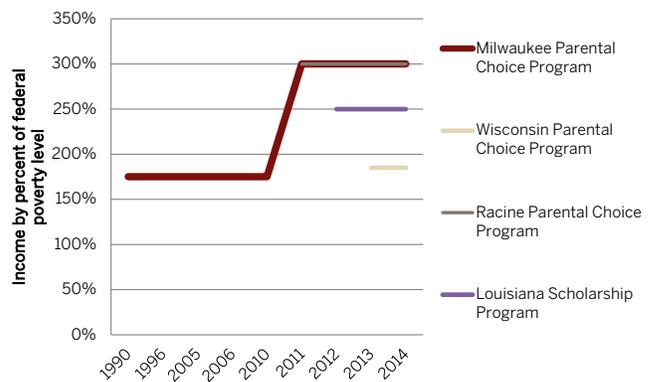
**FIGURE 5. INCOME ELIGIBILITY THRESHOLDS: OHIO AND INDIANA**



discussed here are that statewide programs (1) are increasing the number of available vouchers/scholarships, and (2) appear to be converging on eligibility trends regarding the criteria of income; and (3) are adding accountability requirements for private schools. All of the voucher programs currently in operation have increased and/or eliminated caps on enrollment (see Figure 2), and state funding and enrollment have continued to increase (see Figures 3 and 4). Regarding income eligibility, we see programs expanding to include both low-income and lower-middle-class families. We see programs with no original income eligibility requirement, such as the Ohio EdChoice program, incorporate one; we also see programs raise the limits on income eligibility as well as allow families partial vouchers even if the family income rises above the initial eligibility threshold (see Figures 5 and 6).

Most of these statewide programs also have some eligibility component regarding school failure; however, the programs are not all moving in the

**FIGURE 6. INCOME ELIGIBILITY THRESHOLDS: WISCONSIN AND LOUISIANA**



same direction (such as towards eligibility for students in failing schools). With the introduction of the “F” Public School Pathway in 2013, Indiana joins Ohio and Louisiana as a state which provides vouchers for students in low-performing schools. However, Wisconsin does not require that students attend poorly performing schools to receive a voucher. The absence of a school-failure requirement reflects a more “pure” market model

of school choice, which is not necessarily related to an objective measure of quality but rather the family’s preferences (e.g., Friedman & Friedman, 1962).

Finally, these programs share the trend of a move toward increased quality and/or accountability of choice schools. All states with ongoing programs have included some kind of requirement around performance-based measures, reporting, and accountability. These accountability systems have strengthened over time. Indeed, the balancing act between demand for diverse educational offerings and the burdensome information gathering needed to collect and publish comparative accountability measures is still very much alive in the development of these programs (e.g., Louisiana Black Alliance for Educational Options, n.d.).

These patterns, taken as a whole, demonstrate that trends in voucher programs are moving toward increased use, funding, and accountability. Following the increased funding are higher income limits but also expansion of those limits to include middle-class families and elimination of enrollment caps. Although some of the accountability systems are quite new, and their effects are not yet known, it is possible that schools—both public and private—may begin to see changes in their enrollments as comparative school-quality data become available. Further studies of the competitive effects of vouchers will help scholars and policymakers better understand the outcomes of voucher programs. As well, with the increasing changes in program design over time, more empirical work is needed comparing the effects of specific program design elements. Finally, longitudinal studies of effects such as attainment and labor market outcomes are needed. Studies that compare statewide and district or regional voucher programs on these outcomes are of particular interest and are required to better inform the policy debate.

## ACKNOWLEDGEMENTS

The authors would like to thank CEEP staff for their assistance: Kathleen Lorenzen and Rebekah Sindors for formatting, Steven Williamson for assisting with the design of tables and figures and for fact checking, and Stephen Hiller, Chris Owens, and Cate Racek for final edits and proofing. We would also like to thank Anna Jacob Egalite, a postdoctoral fellow in the Program on Education Policy and Governance at Harvard University, for her careful review and feedback and John Hitchcock, Director, Center for Evaluation and Education Policy, for his document review and edit suggestions.

## SUGGESTED CITATION

Cierniak, K., Stewart, M. and Ruddy, A.M. (2015). *Mapping the Growth of Statewide Voucher Programs in the United States*. Bloomington, IN: Center for Evaluation & Education Policy.

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