

**House Subcommittee on Early Childhood, Elementary,
and Secondary Education Public Hearing
School Choice and Strong Public Education are Complementary
Mr. Michael L. Williams, former Texas Education Commissioner
February 2nd, 2017**

Good morning and thank you for the opportunity to talk with you today, with special thanks to Subcommittee Chairman Todd Rokita and his team for facilitating this hearing.

I'm Michael L. Williams, a lifetime proponent, beneficiary and servant of America's public schools.

I'm the proud son of two public school teachers. My mother retired after 40 years of service to our public school students, and worked as a high school guidance counselor. My father was a public school math teacher, and retired after 43 years of service with the honor of being inducted in to the Texas High School Football Coach Hall of Fame. I graduated from public school in Midland, Texas.

Relevant to my testimony today, I was honored to serve as the first Black Commissioner of Education in Texas history and leader of the Texas Education Agency—a role I was appointed to by Governor Rick Perry and served from 2012 to 2015. I also served as Assistant Secretary of Education for Civil Rights at the United States Department of Education under President George H. W. Bush.

I'm here to tell you something that has become clear to me during my years of work in education: school choice, including private school choice, is not a threat to strong public schools. Parents are a child's first and most important educators. They are also a child's best advocates. Allowing parents to choose the best education option for the unique needs of their children is good for our education system and our schools. But, most importantly, it's good for children.

Throughout my career in public service, I have been privileged to talk with and learn from hundreds of public school teachers and administrators both in Texas and nationally. The public-school workforce gives so much of themselves to the students they serve, and I am eternally grateful to my colleagues, as well as my parents, for their dedication day-in and day-out. We all want what is best for America's children—parents, teachers, and elected officials alike. That's why our education system ought to empower parents to make education choices based on what they know their children need to be successful.

How Private School Choice Impacts Students:

Texas has the second largest K-12 student enrollment with over 5.2 million students in Fall 2015, only behind California. On top of our large student population, Texas has experienced the

largest K-12 enrollment growth in the nation, with an increase of almost 1.2 million students from 2000 to 2015.ⁱ

On most measures – graduation rates, National Assessment of Educational Progress (NAEP), SAT and ACT scores, Texas student performance is on the rise, especially when you compare subpopulations from state to state.

However, deficient student outcomes persist and the achievement gap remains stark—only 49 percent of all white students were proficient or better on the NAEP 2013 8th Grade Reading. Academic outcomes are more dismal for Hispanic students, who were 20 percent proficient, and Black students, who were 17 percent proficient.ⁱⁱ Texas desperately needs high-quality seats for these students, and private school choice could help serve them without significantly impacting public school enrollment. With rapid, steep and steady enrollment growth and poor academic outcomes, private school choice is a solution needed by Texas and many states like us.

Despite what you may have heard, private school choice is not at the expense of public school students. In fact, of 33 empirical studies examining the impact of school choice on academic outcomes in public schools, one study found no visible effect, one study found a negative effect, and 31 studies found that choice improved the performance of neighboring traditional public schools.ⁱⁱⁱ These outcomes may seem counter-intuitive to some Members of the subcommittee, but the reality is that choice encourages the traditional public school system to be more responsive to students' needs and parents' preferences.

Expectedly, private school choice also improves the academic outcomes of those who participate. Eighteen studies have examined scholarship participants' academic outcomes. Of these, two studies found no visible effect between the students' performance at their former public school and their current private school, two studies found that one program had a negative impact on student performance, and 14 studies found that the program positively improves student outcomes.

Accountability for Private Schools Enrolling Private School Choice Program Participants:

In my work, I have come to understand how truly unique each state's education landscape is. As Commissioner of Education in Texas, I worked with localities to co-create solutions that fit them best. Even in my home state, there is so much local knowledge required to make prudent, focused policy decisions for children. In state-level public education governance, it also became apparent how distant some federal education policies were from the children served. For an example, just look to the No Child Left Behind Act's one-size-fits-all approach to school accountability that, while well intended, quickly became unworkable across all 50 states.

Accordingly, any accountability system for private schools enrolling private school choice program participants should be set at the state level. Appropriate measures must be taken to guarantee the health and safety of students. Financial accountability must ensure that program

funds are being lawfully used. However, oftentimes conversations about accountability boil down to measuring student learning and, specifically, testing requirements. Testing requirements for state private school choice programs range from no testing requirement to requiring the state test—these varied models reflect different political environments and state education systems.

It is important to strike the right balance between accountability for public dollars and the autonomy essential to private schooling. For example, some states require participating private schools administer the private school’s choice of state-approved tests, including norm reference tests, and to publicly report on results. This approach provides private schools a choice of what assessment best fits their school model and would best serve their students—which is the whole point of school choice. Although this model has worked well in a number states, let me again be clear that accountability for private school choice programs should be decided and implemented at the state-level.

Private School Choice and IDEA:

Having been responsible for ensuring equal access to education and the enforcement of civil rights throughout the nation, I am deeply committed to guaranteeing that all students are treated with respect and dignity, and are free from discrimination in their learning environment.

Currently, public students with disabilities who are identified as eligible for services under the Individuals with Disabilities Education Act (IDEA) have IDEA rights—including the right to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), an Individualized Education Program (IEP), and corresponding individual services. The special needs community has fought extremely hard over the decades to guarantee these rights for students with disabilities. I can remember a time when many students with disabilities didn’t even have access to public education, and were forced to remain at home or were institutionalized. To be certain, we’ve come a long way in special education.

Some private school choice programs are targeted at providing students with disabilities access to high-quality educational options. When parents of IDEA-eligible students choose to place their child in a private school with the help of a state-funded private school choice program, do IDEA rights follow that child into the private school? As Assistant Secretary of Education for Civil Rights, I wrote the first guidance surrounding the application of federal special education rights to Milwaukee’s Parental Choice Program—the first private school choice program— with the Assistant Secretary of the Office of Special Education and Rehabilitative Services in 1990. Since that initial guidance, the answer has been clear and consistent throughout Administrations.^{iv}

If a public school district has made FAPE available to an IDEA-eligible student and the student’s parents have instead chosen to place their child in a private school with a private school choice scholarship, that child is considered a parentally-placed private school student. That student has the same IDEA rights as all other IDEA-eligible parentally-placed private school student—

they have the right to Child Find services, but have no right to FAPE or individual services as long as they choose to remain in the private school system. Of course, if the parents of an IDEA-eligible child participating in a private school choice program instead decided to return to the public school system, that child would be entitled to FAPE and individual services under IDEA.

Conclusion:

When private school choice is pit against the public-school system, children lose. The conversation we need to be having is one aimed solely at creating high-quality, diverse opportunities to fit the unique needs of children. There is no one best school for every child; however, there is a best school for an individual child. The vast majority of parents are happy with their residential public school and have great respect for public education's role in our democracy. School choice provides additional high-quality options to parents.

ⁱ U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Survey of Public Elementary/Secondary Education," (December 2013).

https://nces.ed.gov/programs/digest/d13/tables/dt13_203.20.asp

ⁱⁱ U.S. Department of Education, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), "2013 Reading Assessment Report Card: Summary Data Tables with Additional Detail for Average Scores and Achievement Levels for States and Jurisdictions," (2013).

https://www.nationsreportcard.gov/reading_math_2013/files/results_appendix_reading.pdf

ⁱⁱⁱ Friedman Foundation for Educational Choice, "A win-win solution: The empirical evidence on school choice," (2016). <http://www.edchoice.org/wp-content/uploads/2016/05/A-Win-Win-Solution-The-Empirical-Evidence-on-School-Choice.pdf>

^{iv} U.S. Department of Education, Office of Special Education and Rehabilitative Services, "Boswell Letter," (November 7th, 2012). <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-001767r-fl-boswell-mckayscholarship-11-7-12.pdf>

U.S. Department of Education, Office for Civil Rights and Office of Special Education and Rehabilitative Services, "Bowen Letter," (March 30th, 2001). <https://www2.ed.gov/policy/speced/guid/idea/letters/2001-1/bowen3302001fape.pdf>