

# The Institutional Landscape of Interest Group Politics and School Choice

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This article provides an updated analysis of the institutional and organizational landscape surrounding the advocacy of and opposition to vouchers and other forms of school choice over the past decade at federal/national, state, and local levels. The politics of choice grew far more complex during the 1990s, with Republican control of Congress and the White House, the growth of the national charter school movement, congressional passage of pilot voucher programs, and the Supreme Court's 2002 *Zelman v. Simmons-Harris* ruling. Utilizing an Advocacy Coalition Framework, questions about the ideological motivations behind different forms of school

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choice, the particular programs that certain groups are likely to support or oppose, and the strategies—including the potential alliances and coalitions—that are increasingly employed around school choice policy are explored. A framework for understanding and analyzing policymaking in this area is offered, extending existing thinking on both school choice issues and education policy more generally.

Debates around school choice have become more strident and, in some respects, more complex in recent years. Choice in education is now one of the most significant and hotly contested public policies, with efforts such as charter schools and voucher programs garnering substantial media and policy attention and often reflecting and defining the broader political debates in the United States. Yet one only needs to consider the multiple and often competing arguments for school choice to witness the complexity of the issue. For instance, many libertarians see choice as a way to roll back the inappropriate intrusion of the state into the private domain, whereas some neoconservatives believe that school choice not only affirms parental prerogatives in education but can also promote traditional family values. Some public school advocates argue that choice offers teachers the opportunity to nurture a shared vision of education within a professional community, whereas neoliberal theorists and reformers contend that market-style pressures brought to bear in education will force schools to compete, leading to overall improvements in school effectiveness and efficiency. And although many see choice as a quintessential value in consumer-oriented American society, some conservatives and progressives champion choice as a means of empowerment for disadvantaged communities disenfranchised by that society—the “new civil right.” Of course, arguments against choice can be just as conflicted, and it is difficult to make sense of the multiple constituencies and interest groups weighing in on the issue. Drawing on position statements and interviews with national-level advocacy groups, this analysis offers an innovative framework for charting the “landscape” of school choice policy, suggesting how the confluence and conflicts of different advocacy coalitions can help us understand the geography of policymaking around this important issue.

In 1994, in an illuminating analysis in *Comparative Education Review*, Jim Carl examined national policies with regard to school choice in England and the United States. That analysis focused on the confluence of different and somewhat contradictory ideologies around market mechanisms in education, particularly under the banner of “parental choice.” Most notably, neoliberals saw parental choice as a way to encourage diversity of options and increases in school effectiveness—essentially using market forces to better address public policy problems and rolling back ineffective govern-

ment bureaucracies. On the other hand, neoconservatives interested in using the power of government to promote particular values saw choice as a way to reassert the primacy of parents in areas such as education. This “New Right” coalition encompassed some strange bedfellows, policy elites who otherwise tended not to agree on many policy strategies or objectives.

However, much has happened in the “school choice wars” in the United States since then. Republicans, generally more amenable to school choice policies, subsequently took control of Congress, the White House, and the Supreme Court, in addition to numerous state governments. The charter school movement has expanded to all but a handful of states, although political considerations have shaped many different varieties of these ideally independent schools. To an even greater degree, homeschooling has emerged as perhaps the most dramatic example of parents taking control of their children’s education, with well over 1 million children now being educated at home. The No Child Left Behind Act of 2001 (NCLB) has become the most substantial federal education policy in a generation, embracing school choice, charter schools, and private provision of educational services. Furthermore, policymakers used charter schools and portable vouchers to address the Gulf Coast destruction left in the wake of Hurricane Katrina in 2005.

Perhaps most significantly, the U.S. Supreme Court ruled in 2002 on the constitutionality of using publicly funded vouchers to attend religious schools. The majority on the Court held that the Cleveland voucher program did not violate the Establishment clause of the U.S. Constitution, because parents, not the state, now possessed the authority to choose from a range of secular and religious schools. Since then, however, state courts in Colorado and Florida have struck down voucher programs in those states under the more prohibitive language typical of most state constitutions, and voters have consistently declined referenda, by wide margins, to alter state constitutions or otherwise endorse voucher programs. Current choice arrangements such as charter schools have resulted from legislative action and, in the case of voucher programs, have often been limited to a particular area or means-tested population. Moreover, much of the research providing support for, and ammunition against, choice programs has been heavily contested. Together, these issues raise questions about the potential role of litigation, federal legislation, voter initiatives, targeted or universal programs, and research evidence in advancing the choice agenda in the foreseeable future. Moreover, they point to the importance of advocacy and coalition efforts to support or defeat the further expansion of school choice through policy initiatives, legislation, and local reform efforts.

Therefore, our guiding question in this analysis focuses on the institutional and organizational landscape primarily around the advocacy of and opposition to vouchers, although certainly we consider the many other forms of school choice as well, as these different policy alternatives cannot be divorced from each other but need to be considered as an interrelated set of options in the policy menu. This consideration, of course, raises some additional and equally compelling questions regarding the ideological motivations behind different forms of school choice, the particular programs that certain groups are likely to support or oppose, and the strategies—including the potential alliances and coalitions—that will be employed around school choice policy. This effort then offers a framework for understanding and analyzing policymaking in this area and is intended to build on and extend existing thinking on both school choice issues and education policy more generally.

### Framework and Methods

To build on and update Carl's 1994 analysis, we frame our examination of the contemporary landscape of school choice advocacy with the Advocacy Coalition Framework (ACF; Sabatier & Jenkins-Smith, 1999). Sabatier first proposed the ACF as a way of understanding the policy process as more complex than the traditional formulation, implementation, and evaluation lens. Since its inception in 1993, the ACF has allowed researchers to examine the role of advocacy organizations, researchers, journalists, and policymakers in formulating, advocating for, and adopting policy initiatives in a particular policy subsystem. Given school choice's prominent place in education reform and policy in the last decade, we see school choice as a particular policy subsystem with its own particular advocacy coalitions that support or oppose it. ACF holds three primary hypotheses about advocacy coalitions:

1. Within a policy subsystem, when policy core beliefs are contested, supporters and detractors tend toward stable coalitions for about a decade.
2. Within an advocacy coalition, actors will agree on policy core beliefs but not necessarily on "secondary aspects."
3. "An actor (or coalition) will give up secondary aspects of his or her (its) belief system before acknowledging weaknesses in the policy core" (Sabatier & Jenkins-Smith, 1999, p. 124).

Our application of the ACF to school choice advocacy allows us to build on the framework while testing some of these central hypotheses.

In particular, we investigated the degree to which school choice advocates worked in concert with one another at national, state, and local levels, as well as particular school choice policies that created fissures amongst the advocates. In an examination of ACF's use in policy research, Sabatier and Jenkins-Smith (1999) argued that one weakness in the application of ACF thus far is the assumption that groups with shared interests will act in concert because it should be obvious that collective action is in their self-interest. In other words, they are more likely to be successful if they are strategically aligned. Yet ACF has underestimated transaction costs associated with coalition building, the challenge of finding policies that address all members, and free-riding. "In addition, by focusing on shared policy beliefs within a coalition, the ACF has neglected the interest that all individuals and organizations have in increasing their viability/welfare" (p. 138). The groups are not just allies but also competitors for grants, recognition, and members. Thus far, ACF has not been used extensively to examine this issue and how groups have negotiated it.

Because we are interested in describing and defining the institutional landscape of school choice advocacy that has emerged in the 12 years since Carl's work, the ACF framework allows us to consider the ideologies of organizations, their coalitions, strategies, and effectiveness. Although we do not attempt a full application of the ACF in the confines of this article, we do apply its central tenets to our data. We are especially interested in the ideological impetus for various stances on school choice policies, especially as school choice forms have dramatically expanded and in many ways become institutionalized at all levels of government. As we discuss, one interesting development in the institutional landscape of school choice interest group politics is that school choice advocates and opponents have become more specific about school choice preferences. Although some support charter schools, they are reticent about vouchers or privatization, for example. This policy research is among the first of its kind to emerge on school choice since Carl's work (see Kirst, 2006, for a discussion of advocacy and charter schools) and shines critical light on our understanding of school choice politics and policy and the likely future permutations.

### *Methods*

We investigated the research questions in 2005 and 2006 through collection of position papers and interviews conducted with leaders of interest groups and think tanks at national, state, and local levels and collection of documents and relevant legislation. The organizations studied encompass

a wide-ranging political spectrum: mainstream think tanks, free-market advocates, education advocacy organizations, traditional civil rights groups, and “new” civil rights groups. A number of “education establishment” groups (i.e., the teacher unions and the school board association) are also included in the sample. In creating the sample, we attempted to be inclusive in our understanding of the broad range of organizations weighing in on the issue of school choice.

In the open-ended interviews, we asked questions designed to elicit information about where groups’ representatives placed their organization’s efforts within the broader movement for school choice (see the Appendix for interview protocol). Examples of questions asked include, What groups support your organization? What does your membership base look like? Did the 2002 *Zelman* decision (U.S. Supreme Court ruling on the constitutionality of Cleveland’s voucher program) alter your organization’s overall agenda or strategy in terms of state- and local-level efforts? If your organization is partnering with others, what form does the partnership take? What segments of the public is your organization trying to reach?

These data led to our identification of the major coalitions in favor of and opposing education privatization and choice. We mapped the actors and groups that compose these coalitions at three levels: national/federal, state, and local. A coding frame for interviews and documents identified three variables: (a) the groups’ articulation of their major ideologies and beliefs; (b) their lobbying activities for and against specific local, state, and federal initiatives; and (c) the strategic coordination of various interest groups and think tanks *within* coalitions. We also examined documents to provide verification of the interviewees’ statements and to supplement our understanding of their organizations.

In the next section, we outline some of the ideological boundaries and contours of this topic and note that current frameworks are somewhat limited in their explanatory power for this issue. Next, we consider the idea of policy networks, with particular attention to the growing role of think tanks in policymaking, including their interrelationships and their relationships with policymaking elements within the government. As we show, this accelerating phenomenon goes beyond traditional left–right categories but involves multiple coalitions and schisms cutting across ideology, issues, and political expediency. The power of this sector is particularly well illustrated by the issue of school choice being framed as a new civil right for minority and disadvantaged communities. We then consider the different strategies that are being adopted, and are likely to be adopted, around school choice advocacy and opposition. These strategies not only are national or federal issues but are also played out in state and local arenas. We end with a concluding discussion of the implications of recent

changes in the institutional landscape around school choice and highlight the importance of an advocacy coalition framework for future research in educational policymaking.

### Ideology

In the late 1980s and early 1990s, scholars of education began to emphasize the need to look beyond the usual left–right dichotomies in understanding the politics of education reform. Focusing particularly on issues of school choice, privatization, governance, and decentralization, researchers noted the significance of the “New Right” alliance between neoliberals and neoconservatives. As writers such as Carl (1994) pointed out, neoliberal market boosters with libertarian tendencies to roll back the state found common cause with neoconservative groups interested in using the power of the state to enforce particular values—through the idea of parental choice of schools. This insight provided the theoretical illumination for understanding the seemingly odd combinations of ideologies on topics associated with markets and school choice, specifically in paradoxical issues of centralization and decentralization, equity and individual rights, and innovation and best practices. However, times have changed. Although some of these alliances persist, the landscape of education policy has evolved significantly over the last decade. Still, even though the institutional landscape and ideological climate may look different, ideology itself continues to play a significant role in shaping that landscape.

In fact, it appears that, now more than ever, school choice is an ideological issue. This is because policy debates, although referring to research when convenient, are still largely contested on ideological grounds and boundaries. For instance, without attempting to be too controversial, we believe that it would be fair to note that, after a decade and a half of charter schools and voucher programs, primary outcomes are still heavily contested and, even in the most favorable light, rather modest, especially in view of initial optimism about the potential of these reforms. For instance, evaluations of voucher programs in Milwaukee, Cleveland, and more recently Dayton, New York City, and the District of Columbia have found negligible to moderate impact on achievement (Belfield, 2006; Greene, Howell, & Peterson, 1997; Greene, Peterson, & Du, 1998, 1999; Howell, Wolf, Peterson, & Campbell, 2001; Metcalf, West, Legan, Paul, & Boone, 2003; Rouse, 1998; Witte, 2000) but have been heavily contested on methodological grounds (Krueger & Zhu, 2004; Peterson & Howell, 2003; Witte, 1996). Similar debates have occurred around charter school programs and other forms of choice (Hoxby, 2004a, 2004b, 2005; Lubienski & Lubienski,



2006; Nelson, Rosenberg, & Van Meter, 2004). Other predicted outcomes from choice, such as greater innovations in teaching and learning, are also somewhat less than originally anticipated (Lubienski, 2003). Consequently, in lieu of a substantial and compelling evidentiary basis, debates have a decidedly ideological essence (Levin & Belfield, 2004).

This central role of ideology is further highlighted by something that Carl pointed out in his 1994 essay: Choice advocacy tends to come more from policy elites than from grassroots organizing. Although some community groups are active in advancing this issue, most gains for the choice movement have advanced from legislative and judicial action, whereas the most significant failures for choice have been at the hands of voters. Although there are some groups that attempt to represent wider communities, they tend to receive their primary support from private foundations or government funding. This dynamic may reflect apathy, rather than antipathy, on the broader public on this issue, but it also suggests the opportunity for ideology—rather than evidence—to shape the debate. Consider, for instance, the admonitions of Republican pollster Frank Luntz, who advises GOP policymakers not on the research of choice outcomes themselves but instead on research regarding how the language of school choice plays with the broader public. For example, policymakers are warned not to use the word *voucher* because of negative connotations but instead to talk about “opportunity scholarships,” to focus on the role of the parents, and to frame the issue as “the civil rights issue of our generation” (Luntz, 1998).

And yet, although the debates may appear at first glance to be matters of Democrats and Republicans, conservatives and liberals, the actions of ideological interest groups around the issue suggest something much more complex. Many liberals support choice on equity grounds, arguing that choice extends options to disadvantaged communities, encourages empowerment in such communities, and can lead to a greater range of education options better suited to meeting the needs of diverse learners. On the other hand, some conservatives are wary of choice, concerned about the possibility of identity politics and the erosion of civic values that are supposed to be fostered through a system of common schools. The role played by a growing number of ideological interest groups, both supporting and opposing the measures, has increased. Unions, administrators, and school boards have united against vouchers, which in Texas and Florida was a strong-enough force to cause several Republican lawmakers to vote with Democrats to defeat a voucher proposal (Pogrebin, 2006). Conservative think tanks, such as the Alliance for School Choice, have taken an active role in drafting and sponsoring legislation, and in Georgia, they have assisted the Georgia Alliance for Choices in Education with a



lawsuit challenging the property-tax based system of funding schools (Donsky, 2005).

Indeed, the wide range of policy alternatives now available to choice advocates may in fact illuminate some of the more nuanced ideological schisms inherent in the broader alliance of interest groups supporting school choice. Charter school laws are already present in four of every five states and have become a flash point for state-level debates about expanding these options—as opposed to promoting private-sector choice through vouchers and tuition-tax credits. The charter movement represented the marriage of market-oriented neoliberals working from a series of state-level think tanks and progressive reformers committed to creating options within a public system, but that alliance is showing strains over the question of expanding choice beyond the “public” system and further deregulating quasi-independent schools. Although many state and local civil rights organizations have created educational options for their constituencies through the charter route, some religious organizations are growing increasingly concerned about the exodus of students from church-based schools to tuition-free charter schools in some areas (Lubienski, 2005). Likewise, supported by a strong network of state and local organizations, the homeschooling movement has continued to grow exponentially, often at the expense of both public and private schools; and the libertarian wing of this movement is quite suspicious of charter schools and voucher plans as potential threats to coopt the movement.

On the federal level, the Republican Party’s long-standing endorsement of federal legislation for vouchers and tuition tax-credits for private schools—reflecting an ideology of local control and a preference for market solutions—has not yet translated into the necessary support among Republican lawmakers in Congress, even after the *Zelman* decision. Instead, both Democrats and Republicans in Congress have settled on the legislative compromise of public school choice (including charter status) as a sanction for failing schools in No Child Left Behind (DeBray-Pelot, in press). In 2003, during the 108th Congress, a pilot voucher program for the District of Columbia was passed after an almost 10-year battle. An implication for the near future is that many interest groups’ strategy may be to pressure Congress to pass targeted, means-tested, and highly regulated voucher programs (Moe, 2001), as they have been unable to pass any sweeping voucher provisions. NCLB further sets the stage for interest groups supporting vouchers in two important ways. First, the law liberates parental choice and encourages organizational autonomy in cases where schools are said to be failing—two important precedents for the next Elementary and Secondary Education Act reauthorization. Second, the

triumph of the testing regime provides crucial information, in the form of standard metrics, from which parents are to judge relative strengths and weaknesses of schools.

## Policy Networks

### *Overview*

Since Carl's 1994 writing, the policy networks among administration aides, think tanks and interest groups, and Capitol Hill have expanded considerably and become more ideologically complex. In particular, the financial base of conservative think tanks accelerated in growth during the 1990s and continues (Smith, 1991), so that by the time of the *Zelman* decision, these institutions were poised to push for vouchers. Another major institutional change occurred in 1994 that would alter the policy networks with respect to vouchers: the switch of both houses of Congress to Republican control. This shift created the conditions whereby the conservative think tanks had the receptive ear of the new Republican majority, many of whom held to the long-standing GOP-platform goal of creating federal voucher programs. As we discuss further in the section on strategies, the robustness of the national think tank sector has also enabled new linkages to state- and local-level activists. For instance, the foundations often support local-level voucher and charter demonstration projects or provide support for legal challenges, whereas other associations' mission is to mobilize inner-city poor and minority parents.

Further, the creation of a new Office of Innovation and Improvement within the George W. Bush Education Department has fostered new financial linkages and sharing of ideas among the pro-privatization think tanks, the executive branch, and congressional staff.

Meanwhile, the traditional coalition opposing school choice has not been significantly altered over the past decade, with civil rights groups, teachers unions and administrators groups, and other public school advocates banding together to battle various proposals. Notably, in 2001, the House Committee on Education and the Workforce rejected amendments to add voucher provisions to NCLB, the reason being an opposing coalition of moderate Republicans and Democrats. However, several legislative victories for vouchers in Congress since 2004—the District of Columbia pilot program and the Hurricane Emergency Relief Act—reveal the defensive position in which this long-standing coalition now finds itself.

*Proliferation of Think—Tanks*

The “war of ideas” for school vouchers and tuition tax-credits by conservative think tanks has intensified from the mid-1990s forward and is best understood as part of the overall proliferation of these institutions. As three reports for the National Commission on Responsive Philanthropy documented (Callahan, 1999; Covington, 1997; Krehely, House, & Kernan, 2004), the 1990s was a period of unprecedented spending by conservative think tanks. Rich (2004) wrote, “As the ranks of think-tanks generally exploded during the 1980s and 90s, the rate of formation of conservative think tanks (2.6 per year) was twice that of liberal ones (1.3 each per year)” (p. 20). Rich (2005) also found that conservative foundations spend far more aggressively on public policy institutes and general organizational operating support than do their left-leaning counterparts. In the realm of education policy, conservative foundations such as Bradley gave their funds to think tanks to support work on public policy institutes, whereas left-leaning foundations, such as Charles Stewart Mott, gave more money but earmarked it for programmatic research. According to Rich, this financial edge for conservative think tanks’ policy institutes is a critical factor in their successfully influencing policymakers and the public on the merits of conservative philosophy, such as privatization.

However, another distinction between liberal and conservative think tanks is the differing views of the role of the researcher. Rich (2005) noted,

For many of the mainline foundations and the foundations that are more clearly progressive, the primary concern when it comes to funding think tanks is in funding rigorous research that strives to be neutral. For them, think tanks and policy institutes should be homes to the disinterested expert. (p. 23)

By contrast, foundations on the right are far less stringent in their demands that the research they fund be “unbiased” and are far more comfortable with blurring boundaries between research and advocacy (Rich, 2004).

The pattern of a “revolving door” between the federal government and think tanks, identified by both Carl (1994) and Spring (2005) has continued. This was true during both the Clinton and Bush administrations. Former Clinton education advisor Andrew Rotherham, a strong charter school supporter, served as director of the 21st-Century Schools Project at the Progressive Policy Institute (associated with the Democratic Leadership Council) and has now founded Education Sector. Political appointees in the Bush administration included privatization advocates Nina Shokraii

Rees of both Heritage and the Institute for Justice and Michael Petrilli of the Thomas B. Fordham Foundation. The latter two worked in a new administrative division within the Education Department, the Office for Innovation and Improvement, which encourages choice and charters and disseminates information to parents about their options for choice under NCLB.

*Bush administration's funding of groups.* What has shifted in federal policy since *Zelman* as well is the Bush administration's funding of parental choice measures initiatives above and beyond the realm of congressional authorization. Certainly vouchers have not been missing from Bush's formal budget requests. Every year in office, the president's budget proposal has included the Choice Incentive Fund, \$75 million for a five-city pilot project like the one for the District of Columbia, but neither the House nor the Senate has authorized it.

In light of this lack of congressional support, Bush's first education secretary, Roderick Paige, used the Fund for Innovation in Education, a discretionary pot of money, to provide \$77 million to groups promoting parental options, including privatization. Grantees included the Black Alliance for Educational Options (BAEO); Hispanic CREO; the Education Leaders' Council; the Center for Education Reform; K12 (a group headed up by former secretary of education William Bennett); and the Greater Educational Opportunities Foundation, an Indianapolis-based group. The federal grants were made for the express purpose of educating parents about their public school choice and supplemental services options under NCLB (People For the American Way, 2003). In addition, funds were given to the Education Leaders Council to support the American Board for the Certification of Teacher Excellence, an alternative teacher certification initiative. All of the groups have a pro-voucher or privatization ideology, a report by People For the American Way noted, and there is little or no way to assess whether the federal dollars were actually spent on the implementation of NCLB or on promotion of their own agendas. This has led the groups opposing vouchers to call for greater congressional accountability and oversight of the way in which Fund for Innovation in Education monies are being spent.

BAEO engages in activities such as state-level political organizing (i.e., providing support to legislators) and coordinating with churches located in primarily minority communities. Hispanic CREO, which is supported by the Bradley, Walton, and Daniel Foundations, supports a range of choices for parents, from public and magnet and charter schools to home schools and private schools. Said Maite Arce of CREO of their relationship

with the Office for Innovation and Improvement within the federal Education Department,

We work with them to inform parents, they give us a tremendous amount of information, and we make sure that we deliver it in a very culturally appropriate way. . . . We have distributed so many materials from that office. They have participated in our conferences and our workshops. So at the local level, for instance, we had representatives come and do talks for parents. (M. Arce, personal communication, November 18, 2005)

The nexus described by Arce reflects the niche her group fills in the pro-choice spectrum of groups—and the extent to which NCLB's choice and supplemental services provisions have created a venue for governmental officials to use these groups in the service of their policy agenda. As is discussed next, the combination of noncongressional funding for groups' activities with the enacted provisions of NCLB have created both a voice and mission for the new civil rights groups. These new groups tend to define school choice as the singular civil rights issue as opposed to more established civil rights organizations that embrace a broad-based social policy agenda to achieve civil rights including education, housing, employment, and voting rights.

#### *General Outline of Alliances and Divisions*

*Alliances and divisions.* Although Carl discussed the emergence of a New Right coalition in support of school choice, our data show that the choice advocacy landscape has become more complex ideologically. Advocacy coalitions in support of school choice now encompass left and centrist groups as well as those from the New Right. Traditional public school supporters maintain their alliances with traditional civil rights organizations, but “new” civil rights groups have emerged, and these new education advocacy groups are aligned with centrist, left, and right school choice supporters. Table 1 lays out a description of some school choice advocacy groups by political ideology, school choice stance, and name. We are mindful, however, that the coalition of supporters is loosely configured, and not all school choice supporters align themselves around the same school choice policies.

There are several salient differences from 1994 in this alignment of interests. First, the coalition supporting the priorities of the New Democratic consensus of support for charter schools and public school choice expanded. The Clinton administration's strong support of both types of

## *Institutional Landscape of Interest-Group Politics*

Table 1

### *Alliances in Opposition to Vouchers*

<i>Ideology/Political Stance</i>	<i>Organizations</i>
Public school advocates	National Education Association, American Federation of Teachers, American Association of School Administrators, National School Boards Association, Council of Chief State School Officers, National Association of State Boards of Education, National Alliance of Black School Educators
Traditional civil rights	National Association for the Advancement of Colored People, National Urban League, Mexican-American Legal Defense and Education Fund, Association of Community Organizations for Reform Now

Table 2

### *Alliances Promoting Vouchers*

<i>Ideology/Political Stance</i>	<i>Organizations</i>
Libertarian	Cato, Alliance for Justice
Centrist/New Democratic	Progressive Policy Institute, National Alliance for Public Charter Schools, Education Sector
Center/Left	Center for American Progress
Neoconservative	Heritage, Fordham, Olin, Hudson, Manhattan Institute, Brookings, American Enterprise Institute
Neoliberal	Center for Education Reform, Bradley, Friedman, Walton, Daniel Foundations, Broad, Pisces, Fisher Family, New Schools Venture Fund
States' rights "New" civil rights	American Legislative Exchange Council, Alliance for Justice Black Alliance for Educational Opportunities, Hispanic CREO, Institute for Justice

choice in the 1994 Improving America's Schools Act provided a framework that would be expanded under NCLB. The 21st-Century Schools Project of the Progressive Policy Institute listed one of its key principles as follows: "Governments must at once demand more from our public schools through meaningful standards and accountability for results, and also must support greater innovation and diversity among schools through choice and competition" (as cited in Spring, 2005, p. 81).

The National Alliance for Public Charter Schools was founded out of the old Charter School Leaders Council in 2004 to serve as a national umbrella group and source of policy advocacy for state and local charter advocates. The group represents a wide range of interests favorable to the issue, including the Center for Education Reform, the Progressive Policy Institute,

and BAEO. It takes on several responsibilities, including advocacy and communication to state lawmakers, cultivating a more diverse leadership pool for charter schools, developing the capacity of state-level organizations, and educating the public on charter schools. Funders include the Walton Family, Gates, Annie E. Casey, Pisces, and Fordham Foundations. These backers reflect a diverse set of positions on choice in general, so the NAPCS focuses only on charter schools (despite internal sympathy on vouchers), as there is not a consensus in these groups on more controversial proposals such as vouchers.

Second, the category of civil rights groups now requires delineation between traditional groups, such as the National Association for the Advancement of Colored People (NAACP) and the Mexican-American Legal Defense and Education Fund (MALDEF), and new civil rights groups. Indeed, the emergence of new civil rights groups raises questions about the nature and scope of civil rights in the current policy era. Whereas traditional civil rights groups have ideologies informed by liberal-progressive ideology, new civil rights groups are more likely to hold conservative or neoliberal value systems. Still, these groups are similar in their quest for racial equality, and individuals aligned with these groups may not wholly embrace the ideological tenets that define the organizations. This complexity allows for members of new and traditional civil rights organization members to work in opposition and in coalition with each other.

*Opposition coalitions: The education establishment and civil liberties/church-state groups.* At the federal level, the major coalition opposing vouchers is the National Coalition for Public Education (NCPE), founded in the 1970s. NCPE comprises 60 groups that work in unison whenever the threat of enactment arises. It operates exclusively to oppose vouchers and tuition tax credits. Susan Nogan, a National Education Association (NEA) staff member working on school choice issues, said, "Members of the coalition share information on bills that have been introduced or are being drafted, evaluate the threat level, and develop a coordinated advocacy effort" (personal communication, October 2005). The major association lobbyists' lists of choice-related issues have expanded their scope to cover tuition tax credits, supplemental services, charter schools, and for-profit Educational Management Organizations (EMOs). The NEA's 2005-06 Resolutions, for instance, include statements of opposition to privatization and subcontracting programs that have "the potential to reduce the resources that otherwise would be available to achieve and/or maintain a system of quality public education, or the potential to otherwise negatively impact on public education" or allow "public funds to be used for religious education or other religious purposes, or that otherwise weakens the all of



separation between church and state" (NEA, 2005). Said Susan Nogan of the NEA's role, "NEA unequivocally opposes vouchers and related programs that divert tax money to private schools. This is a core organizational value on which we do not compromise" (personal communication, October 12, 2005).

A second anti-voucher coalition is run by the education task force of the Leadership Conference on Civil Rights. Civil liberties groups, such as People For the American Way, and the United Church of Christ closely coordinate their efforts. A third is a local, DC-based coalition against the District's voucher program. The NAACP played an active role in the DC opposition effort, as it had been billed as a measure to uplift Black students (T. House, personal communication, October 11, 2005). Furthermore, the NAACP has officially opposed vouchers since at least 1992 and has affirmed this opposition at several annual meetings, most recently in 2003.

In view of the changing legislative and judicial context, it is worthwhile to consider how coalitions are responding to specific policies. The *Zelman* decision, according to Tanya House of People For the American Way, has altered political but not policy strategies. The policy issue is redistribution and discrimination.

The redistribution of funding is there, the indirect funding. The question is whether there was direct funding and that according to that case, this was not the direct funding of the private school system. So legally, we're faced with that issue. But from a public policy standpoint, we still have the same argument and that hasn't changed, and we continue to use that argument. It's something that's consistent across the board when it comes to these voucher programs. (T. House, personal communication, October 11, 2005)

That is, although the decision may have given legal legitimacy to vouchers in the hands of parents, it has not altered the core goal of fighting vouchers to promote public schools.

During the Hurricane Relief Act debate, for instance, the various groups in the coalition drew attention to the policy question of relative distribution of aid to public versus private schools. The American Federation of Teachers lobbyist Kristor Cowan wrote in a letter to senators before the bill's passage that the union was "deeply concerned that because of a flawed funding methodology, nonpublic schools would receive a disproportionate share" of aid (Davis, 2005). In Congress, the partisan divisions on vouchers remained strong during the initial committee consideration. In the House of Representatives, the measure that would have given money directly to private schools was defeated in the Committee on Edu-

cation and the Workforce. Chairman John Boehner (R-OH) stated that “House Democrats and the education establishment” were standing in the way of meaningful relief, whereas George Miller (D-CA) called the proposal “ill conceived” and “ideological” (Washington Partners, 2005). Yet the proposal gained the support of moderates from both parties, many of whom viewed it as a one-time enactment of aid. Senator Kennedy was persuaded by the Catholic Educators’ Conference that opposing aid unfairly punished students.

Among the national lobbyists interviewed, there was not great concern that the *Zelman* decision’s wake had brought about an onslaught of public support for state-level voucher measures. They cited the 35 states that had their own language prohibiting the use of public dollars for religious organizations. Said one lobbyist in a major association,

I think the folks who promote vouchers as a ‘silver bullet’ misinform the public. The more the public learns about vouchers, the less they like them. In every ballot initiative in the past thirty years, once the people are informed, they vote down vouchers by a 2 to 1 margin. (S. Nogan, personal communication, October 12, 2005)

Thus, an unchanged core belief in the voucher-opposing coalitions is that there is shallow support for vouchers among the public, as evidenced by state ballot initiatives, and that the key to public opposition is to provide information.

*Tension between civil rights organizations and rhetoric.* The rhetoric on vouchers from the Bush administration has been cast in the language of civil rights. The president has referred to the *Zelman* decision as the most important for education since *Brown v. Board of Education*. Former secretary of education Rod Paige wrote in a *Washington Post* editorial the day after the *Zelman* ruling,

With *Brown*, education became a civil rights issue, and the decision introduced a civil rights revolution that continues to this day. *Zelman v. Simmons-Harris* holds the same potential. It recasts the education debates in this country, encouraging a new civil rights revolution and ushering in a “new birth of freedom” for parents and their children everywhere in America. (Paige, 2002, p. A29)

Although the Institute for Justice promulgated the *Brown* comparison as a way to give vouchers a compelling theme and appealing public image beyond the church–state debates, some African American civil rights leaders

have also likened the fight for vouchers to the fight for equality in *Brown*. As New York University Professor Joseph Viteritti (2002) wrote in the opening to his 1999 book *Choosing Equality*,

Some black leaders . . . see choice as a civil-rights issue, a mechanism to provide poor families with the same opportunities enjoyed by the middle class—indeed, as fulfillment of the promise made in *Brown v. Board of Education*: to make education available to all “on equal terms.” (p. 32)

The stance of teacher unions against vouchers has been so strong that all but the most conservative congressional Democrats respond to this electoral pressure in their districts. Moe (2001) argued that this picture would be destined to change if national civil rights leadership were to switch sides.

It appears that this era of lock-step Democratic compliance cannot last much longer. For many Democrats, just as for many activists in the civil rights movement, opposition to targeted voucher programs has put them in an uncomfortable position: their own constituents are often disadvantaged and strong supporters of vouchers. At the mass level, vouchers could very easily be a Democratic issue, but Democratic politicians have not been able to treat it that way. Were it not for the unions, many Democrats, especially those representing inner-city areas, would simply line up with their own constituents. (p. 387)

In predicting such a shift, however, Moe made the assumption that national civil rights leaders would abandon their core rationale for rejecting vouchers, that they drain scarce state and federal dollars from the public schools. Given the likelihood of continued cuts to social programs, it is unlikely that either Democratic members of Congress or national civil rights leaders will readily change their votes or their public stances on vouchers.

Two new national organizations, BAEO and Hispanic CREO, both founded in the late 1990s, represent this divergence in the community of interest groups representing minority students. Parting ways with the National Urban League, the NAACP, the NAACP’s Legal Defense Fund, and MALDEF, these organizations’ focus is on empowering minority and mostly urban parents by increasing the breadth of educational options. Our interviews with leaders of BAEO and Hispanic CREO revealed that the two organizations differ in terms of how they view their political missions and civil rights orientations. They also reveal that school choice is the central advocacy issue of concern to these groups, as opposed to the

broader social policy platforms of established civil rights groups such as the NAACP.

The driving idea of BAEO is the radical alteration of urban schools as a means to educate African American students. Lawrence Patrick (personal communication, September 9, 2005) described an initial meeting convened in Milwaukee by choice activist and BAEO founder Howard Fuller:

[Fuller argued] that we must change the power arrangements that exist within public education, if we're going to bring about lasting and significant change. So the mantra that came out of that meeting was that the centerpiece of any serious education reform effort must be parental choice. It's not that parental choice is some nice add-on, but it's both necessary. . . . It's central from a social justice standpoint, but it's also central from a tactical standpoint, that even if you don't get excited about the social justice argument and that's not your main reason to do it, if you want your changes to stick and you if want your reforms to be permanent or lasting, you've got to change the power arrangements.

Patrick was one of the attendees at the "Meeting of 50" African American leaders convened by Howard Fuller in Washington, DC, in 1999 that led to BAEO's founding. He described the group:

We all had a very strong sense of urgency and a real commitment to taking radical steps. So, in other words, we were not interested in re-hashing what's already been done. In this group, you had a lot of very seasoned veterans and warriors, people who had been through multiple battles trying to fix the schools. . . . This was a group that was at a point where we were ready to look at sort of taking it up a notch to the next level. (L. Patrick, personal communication, September 12, 2005)

The two organizations represent a contrast in the extent to which their leadership employs the language of the civil rights movement. BAEO seeks to train the next generation of leaders who can take up the fight; outstrategize its opponents; and, in Patrick's words, bring about "total disruption of the status quo."

The League of United Latin American Citizens (LULAC) does not support vouchers so Hispanic CREO does not partner with them at the national level. However, the organizations sometimes collaborate via the Local Affiliate program with LULAC, as well as with MALDEF, which has not taken a stance on vouchers overall (preferring to judge plans individu-

ally), but which opposed the Bush administration's efforts to use Title I to create a national voucher program.

Staff members for BAEO and Hispanic CREO say that *Zelman* did not alter the organizations' missions or their core beliefs. Said Lawrence Patrick of BAEO,

It affirmed our belief that parental choice is constitutional, and not only that, but that it's really interwoven in the fabric of America. I think when you read the opinion of the court, that individual parents . . . by recognizing that, it reaffirmed what we've been saying, it's been set aside for the individual child. But it did add strength to their cause. (personal communication, September 12, 2005)

Maite Arce of Hispanic CREO agreed: "It further emphasized what the past Supreme Court rulings have: that vouchers are constitutional and it added strength to our cause. It didn't necessarily alter our strategy, it just gave it further strength" (personal communication, November 18, 2005).

Hispanic CREO's grassroots are focused in five key states: Texas, Florida, Arizona, Colorado, and New Jersey. The group has a director of parental involvement who trains parents to work on the ground on advocacy. Arce explained that the group does not work in the national policy arena yet. It is involved in state-level policy, but indirectly. It supports policy initiatives at the state level in several ways. One is through information, data, and statistics. It has built a very large network of parents, so when new state-level initiatives surface, Hispanic CREO plays a publicity role, contacting the local media and organizing parent rallies at the Capitol.

In conclusion, the realignment of "old line" civil rights groups toward voucher advocacy predicted by Moe is not even close to being in evidence. To the contrary, LULAC and the NAACP both still strongly oppose vouchers, whereas MALDEF remains neutral. In Congress, although New Democrats such as Mary Landrieu (D-LA) and Independent Joseph Lieberman (I-CT) have cast votes in favor of pilot voucher programs, there is almost no evidence that urban poor and minority constituents have exerted political pressure on, let alone changed, the anti-voucher positions of their representatives in Congress, such as Chakah Fattah (D-PA), Major Owens (D-NY), or John Conyers (D-MI). In fact, Chakah Fattah's office launched a series of investigations into the dealings between the Pennsylvania Department of Education and Edison Schools, Inc., over the contract Edison Schools received to evaluate the Philadelphia school district in 2001 and later to run 20 low-performing schools beginning in 2002.

## Strategies for Choice

### *Targeted Programs*

As mentioned earlier, the passage in Congress of both the pilot voucher program for the District of Columbia in 2004 and the Hurricane Education Recovery Act in 2005 were significant departures from the logjams of the past. The political circumstances that produced each piece of legislation differ markedly. Both programs, however, reflect what Terry Moe predicted in 2001: Enactment of limited programs for troubled urban systems and/or students—which, once enacted, gains constituents and beneficiaries—could feasibly become the immediate strategy of federal voucher legislation proponents. Voting for the enactment of targeted programs entails relatively little electoral risk for either senators or representatives, whose constituents are generally unaffected.

The DC pilot program provides up to \$7,500 per student, based on financial need. As many as 1,700 students, all of whom must be eligible for the federal school lunch program, may participate each year. Nina Rees, formerly of the Department of Education's Office of Innovation and Improvement, explained that the District met all five conditions that movement strategists desire when seeking fertile ground for voucher programs: "a legislative and an executive branch controlled by supporters, local political champions for education or urban renewal, local business support, a weakened teacher union, and grassroots backing" (Hsu, 2006, p. 222).

The Hurricane Recovery bill was enacted under somewhat exceptional circumstances—a "crisis"—and public opinion that supported congressional action to help the displaced students nationally was such that it became very hard for even liberal Democrats to oppose. The commonality, viewed through the lens of the advocacy coalition framework, is the coalition's core strategy of moving incrementally with the institutional innovations, in this case, targeted programs, believed to further its longer term goal of enacting broader programs.

The opposing coalitions—which have remained cohesive since at least the 1980s—were unsuccessful in preventing the enactment of the hurricane relief bill permitting federal dollars to flow directly to schools, partly because the context of a national crisis diminished the usual partisan divisions. In our view, this program is apt to be very difficult to eliminate or weaken if Congress remains under Republican control in the near future. As Clint Bolick of the Alliance for School Choice said, "More generally in the voucher wars, we hope this will prove to be a milestone. . . . The word 'never' has been replaced by the word 'rarely,' and 'rarely' is a step on the road to 'sometimes'" (as cited in Robelen & Davis, 2006, p. 22).

*NCLB*

Supplemental services and public school choice in NCLB are both topics for strategizing for expansion to privatization for the pro-voucher coalition. Think tanks such as Fordham, Heritage, and the Center for Education Reform have proposed that the next reauthorization go beyond the public school choice provisions to include private school choice and interdistrict choice. However, to the education establishment, the view has prevailed that NCLB was designed to pave the way for vouchers and privatization by causing widespread discrediting of public schools through high failure rates and underfunding, setting the stage for the reauthorization battles in 2007.

The Fordham Institute's early strategy shows the direction that other neoconservative think tanks may tack in the upcoming reauthorization. Referring to the lack of satisfactory schools for students in urban areas to transfer to, the Fordham Institute's leadership wrote in a memo to the board on NCLB strategy:

Our goal is to correct these injustices. Private school choice should be on the table, as should inter-district choice. Excellent charter schools should be replicated. Our allies in the school choice movement should be motivated to help on these fronts—though unfortunately few have been engaged in the NCLB discussion to date. Making any progress on this front will require heavy lifting. (Fordham Institute, personal communication, 2005)

The Fordham Institute, Heritage, American Legislative Exchange Council (ALEC), and the Institute for Justice have continued to work together as a coalition around choice. Looking toward the presidential campaign proposals, they may try to get to candidates such as Mitt Romney or Rudy Giuliani to start to plant some ideas. In 2007, they will be the standard bearers (M. Petrilli, personal communication, October 28, 2005). In addition, state-level advocacy is a focus. For example, the ALEC is a member organization of state legislators. Its education division helps to draft model legislation for its members for an array of issues, including school finance, alternative teacher certification, and especially school choice. According to Lori Drummer (personal communication, March 3, 2006), 40 states have introduced school choice, tuition tax credit, or voucher legislation. ALEC also holds school choice academies during which it provides media training, guidance for introducing school choice bills, and testimonials by families whose lives are impacted by school choice. Drummer also shared that ALEC is focusing on smaller, concentrated school choice programs, such as



those targeted to children with special needs, which maps on to the possible expansion of supplemental service provisions under NCLB.

Officials in the Bush Education Department have publicly stated that, over time, the NCLB's supplemental services provisions could become part of a larger choice strategy. In July 2002, for instance, Undersecretary of Education Eugene Hickok stated that the Supreme Court ruling "does not have a significant impact in terms of where we are" with the new education bill. But he added, "Somewhere down the road, I think it might as school choice and supplemental services become a bigger part of the puzzle" (as cited in Sweeney, 2002, p. 15). The supplemental services provisions have become a battleground because the regulations stripped out the nonreligious discrimination requirements. The NEA has retained a very firm stance against privatization of supplemental services: If a private entity is to receive federal funds for tutoring, it needs to be accessible to all students in need.

Charters are another area where conservative think tanks are demanding more deregulation than NCLB currently offers. The design of adequate yearly progress did not work well for charters that seek to serve kids who are four grade levels behind. A value-added progress model is important to charters. The highly qualified teacher provisions have also been very difficult for charters. The issue of who's responsible for oversight/authorizers for charters also needs clarification: Do they get federal money?

## Conclusions

The alignment of conservative think tanks, policy networks, funding apparatus, and federal policy has strengthened since the 2002 *Zelman* decision. Although it is difficult to attribute the growth in support for school choice to just this source, we find that school choice advocacy is lively outside the beltway and transcends easy left-right ideological markers. For example, added to this conservative coalition in Washington, DC, are new civil rights groups such as Hispanic CREO and BAEIO, who share the commitment to school choice. New Democrats are also advocates of particular school choice forms, such as charter schools, and new philanthropic organizations have emerged, particularly in California, that are driving the expansion of charter schools and EMOs as ways to revitalize public education. The Broad Foundation, New Schools Venture Fund, and the Pisces Foundations are exemplars of this new philanthropy. Our project will continue to map this relatively new institutional terrain while capturing the breadth and scope of more established groups.

As school choice politics become increasingly complicated, we find that advocates and opponents are focusing on the details of particular policy initiatives. They are attempting to answer particular policy questions: How can more states adopt voucher legislation? How can we increase the caps on charter schools? How can NCLB be used to advance more choice options? How can niche programs expand vouchers? How can school choice be used as a remedy in school finance litigation? These are the areas of concern on the institutional landscape.

This article, by building on Carl's (1994) landmark work and Sabatier and Jenkins-Smith's framework, makes a significant contribution to the research and policy community by demonstrating that the politics of school choice have become more complex, unpredictable, and contested in the last decade, and it suggests that they will continue to do so as choice is implemented around the United States.

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## Appendix

### Interest Group Interview Protocol

Please describe the structure of the organization. What are the main divisions, and what activities do they oversee? How many field offices are there, where are they located, what are their various responsibilities?

What groups support your organization? (Prompt: financing?)

What does your membership base look like?

Did the 2002 *Zelman* decision alter your organization's overall agenda or strategy? If so, how?

Prompts: State-level efforts

Local

Partnerships with other groups

Outreach to new constituencies

If your overall policy agenda has changed since *Zelman*, please describe how.

Where do you place your organization's efforts within the broader movement for school choice? What do you offer that is unique?

If your organization is partnering with others, what form does the partnership take?

Prompts: special convenings, state-level lobbying or referenda, legal challenges?

What segments of the public is your organization trying to reach?

Prompts: urban, minority parents?

All parents who might consider private schools?

The traditional conservative base, whether parents or not?

What do you do about the families who are satisfied with their public schools?

*[For D.C. groups:]*

How likely is enactment of new voucher proposals in this Congress? What legislation has been introduced /is being written? What are the main provisions (i.e., tax breaks, pilot for a disadvantaged district)?

Prompts: What groups are opposing it? (unions, administrators, etc.?)

Partisanship, or some Democrats supporting? Which ones?

Public opinion polls have shown growing support for vouchers among inner-city, low-income and minority parents.

Prompts: Do you see evidence that they are mobilizing?

How easy is it to reach this potential base?

Civil rights groups have generally opposed vouchers, but some observers have said that they may be under pressure from their constituents to change their position. Can you think of any instances where this is occurring?

Prompts: Evidence of internal divisions/differences of agreement?

On the other side, some libertarian organizations have opposed vouchers. How and where is this faction active?

*Wrapping up*

Do you have any other observations about the current political landscape on vouchers?

How has the *Zelman* decision affected the "state of play"? New coalitions, agendas?

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