

FOUNDATIONS FIRST: RECLAIMING READING AND MATH THROUGH PROVEN INSTRUCTION

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY, AND SECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND
WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, SEPTEMBER 3, 2025

Serial No. 119–25

Printed for the use of the Committee on Education and Workforce



Available via: *edworkforce.house.gov* or *www.govinfo.gov*

U.S. GOVERNMENT PUBLISHING OFFICE

63–569 PDF

WASHINGTON : 2026

COMMITTEE ON EDUCATION AND WORKFORCE

TIM WALBERG, Michigan, *Chairman*

JOE WILSON, South Carolina	ROBERT C. "BOBBY" SCOTT, Virginia,
VIRGINIA FOXX, North Carolina	<i>Ranking Member</i>
GLENN THOMPSON, Pennsylvania	JOE COURTNEY, Connecticut
GLENN GROTHMAN, Wisconsin	FREDERICA S. WILSON, Florida
ELISE M. STEFANIK, New York	SUZANNE BONAMICI, Oregon
RICK W. ALLEN, Georgia	MARK TAKANO, California
JAMES COMER, Kentucky	ALMA S. ADAMS, North Carolina
BURGESS OWENS, Utah	MARK DeSAULNIER, California
LISA C. McCLAIN, Michigan	DONALD NORCROSS, New Jersey
MARY E. MILLER, Illinois	LUCY McBATH, Georgia
JULIA LETLOW, Louisiana	JAHANA HAYES, Connecticut
KEVIN KILEY, California	ILHAN OMAR, Minnesota
MICHAEL A. RULLI, Ohio	HALEY M. STEVENS, Michigan
JAMES C. MOYLAN, Guam	GREG CASAR, Texas
ROBERT F. ONDER, Jr., Missouri	SUMMER L. LEE, Pennsylvania
RYAN MACKENZIE, Pennsylvania	JOHN W. MANNION, New York
MICHAEL BAUMGARTNER, Washington	YASSAMIN ANSARI, Arizona
MARK HARRIS, North Carolina	
MARK B. MESSMER, Indiana	
RANDY FINE, Florida	

R.J. Laukitis, *Staff Director*

Véronique Pluviose, *Minority Staff Director*

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

KEVIN KILEY, California, *Chairman*

MARY E. MILLER, Illinois	SUZANNE BONAMICI, Oregon,
GLENN THOMPSON, Pennsylvania	<i>Ranking Member</i>
BURGESS OWENS, Utah	JAHANA HAYES, Connecticut
MICHAEL A. RULLI, Ohio	SUMMER L. LEE, Pennsylvania
JAMES C. MOYLAN, Guam	JOHN W. MANNION, New York
RYAN MACKENZIE, Pennsylvania	FREDERICA S. WILSON, Florida
MARK HARRIS, North Carolina	ALMA S. ADAMS, North Carolina
MARK B. MESSMER, Indiana	YASSAMIN ANSARI, Arizona

C O N T E N T S

	Page
Hearing held on September 3, 2025	1

OPENING STATEMENTS

Kiley, Hon. Kevin, Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education	1
Prepared statement of	4
Bonamici, Hon. Suzanne, Ranking Member, Subcommittee on Early Childhood, Elementary, and Secondary Education	6
Prepared statement of	9

WITNESSES

Brumley, Dr. Cade, State Superintendent of Education, State of Louisiana	12
Prepared statement of	14
Roughton, Chandra, Founder and CEO, Luminous Minds	16
Prepared statement of	18
Wingfield, Dr. Jhanae, Assistant Professor of Early Childhood and Literacy Education, Department of Urban Education at Rutgers University-Newark	22
Prepared statement of	24
Harrison, Dr. Brent, Superintendent, Saraland City Schools	35
Prepared statement of	37

ADDITIONAL SUBMISSIONS

Ranking Member Bonamici:	
Article dated February 14, 2025, from The Times-Picayune/The New Orleans Advocate Online, titled “Despite lofty promises, Louisiana’s private-school vouchers fall short”	62
Report dated September 11, 2025, from the Education Policy Analysis Archives (EPAA), titled “Taxpayer-Funded Private School Vouchers and Market Failure: A Policy Scan and Review From 1869 to 2024”	68
Article dated July 3, 2025, from kpel965.com, titled “Acadiana Schools Brace for Deep Cuts as Congress Slashes Education Funding”	98
Lee, Hon. Summer L., a Representative in Congress from the State of Pennsylvania:	
Report dated 2022, from South Carolina Law Review, titled “School District Secession in Mobile County, Alabama: A Case Study of Adaptive Discrimination and Threats to Multiracial Democracy”	113

FOUNDATIONS FIRST: RECLAIMING READING AND MATH THROUGH PROVEN INSTRUCTION

Wednesday, September 3, 2025

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION
COMMITTEE ON EDUCATION AND WORKFORCE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 2175, Rayburn House Office Building, Hon. Kevin Kiley (Chairman of the Subcommittee) presiding.

Present: Representatives Kiley, Miller, Owens, Moylan, Harris, Messmer, Walberg, Bonamici, Hayes, Lee, Mannion, Adams, and Scott.

Also present: Representative Stefanik.

Staff present: Vlad Cerga, Director of Information Technology; Maren Emmerson, Staff Assistant; Cabell Fleet, Intern; Amy Raaf Jones, Director of Education and Human Services Policy; Libby Kearns, Press Assistant; Isaiah Knox, Legislative Assistant; Kyle Kuhlert, AEI Fellow; Campbell Ladd, Clerk; R.J. Laukitis, Staff Director; Danny Marca, Director of Information Technology; R.J. Martin, Professional Staff Member; Audra McGeorge, Communications Director; Eli Mitchell, Legislative Assistant; Ethan Pann, Deputy Press Secretary and Digital Director; Ian Prince, Professional Staff Member; Sara Robertson, Press Secretary; Dominico Sassano, Intern; Brad Thomas, Deputy Director of Education and Human Services Policy; Ann Vogel, Director of Operations; James Whitaker, General Counsel; Damian Arambula, Minority Intern; Ellie Berenson, Minority Press Assistant; Ilana Brunner, Minority General Counsel; Nikhita Chinmay, Minority Intern; David Dailey, Minority Chief of Staff; Zenaida De La Cruz, Minority CHCI Fellow; Rashage Green, Minority Director of Education Policy & Counsel; Christian Haines, Minority General Counsel; Sarah Holehouse, Minority Intern; Maxine Jones, Minority Intern; Alexandra Pernie, Minority Intern; Samantha Wilkerson, Minority Professional Staff; Stephanie Lalle, Minority Communications Director; Raiyana Malone, Minority Press Secretary; Kwesi Matthews, Minority Einstein Fellow; Eleazar Padilla, Minority Staff Assistant; Véronique Pluviose, Minority Staff Director.

Chairman KILEY. Good morning. The Subcommittee on Early Childhood Elementary and Secondary Education will come to order. I note that a quorum is present. Without objection, the Chair is authorized to call a recess at any time. The reading wars are over. For years, for decades, countless young people in this country re-

ceived literacy instruction that was not science based and did not promote the mastery needed for success in school and in life.

Now, in almost every State in America, science backed literacy instruction has prevailed. Still, progress has been uneven. There is unfortunately still much work to do to see that best practices are followed in states and districts across the country. More recently, we are seeing the same types of mistakes repeated when it comes to math.

The latest nation's report card reflects this limited progress, showing that both fourth grade and eighth grade reading scores dropped 5 percent compared to 2019. Math scores dropped 3 points for fourth graders and 8 points for eighth graders. These low scores are part of a longer-term trend of poor performance in the U.S., essentially all scores on the NAEP long term trend assessment have nearly flatlined since 1971.

International comparisons paint the same troubling picture. A recent international assessment showed that American 15 year old students are below average in math among nations across the world. Now, there are many reasons for this decline, but one major reason, which is our focus today, is how many schools moved away from grounding their instruction in the science of learning.

For generations, students in elementary school were taught to read by identifying letters and the sounds they represent. Then, starting in the 1970's, a new idea called whole language arose, leaving behind the explicate direction of phonics as old fashioned. This new method, which came to be known as three cueing, or balanced literacy, encourages students to read by guessing an unknown word based on its context and structure within a sentence or even adjacent pictures in the book.

This approach was at odds with the science of reading, which aims to ensure students develop strong foundational skills. The science of reading emphasizes five core skills that every child must master: chronological awareness, phonics, fluency, vocabulary, and comprehension.

More than 40 states have now passed legislation for evidence-based reading programs in their schools. These programs emphasize the importance of phonics, and building a deep vocabulary, rather than guessing words based on context. There is a similar science behind learning math skills, where foundational skills like the four basic functions of arithmetic, addition, subtraction, multiplication, division, are taught so that students can perform those functions automatically, and students are given step-by-step direct instruction in problem solving.

In too many places, this approach has been overtaken by teaching philosophies that reject direct instruction for teachers, devalue content knowledge, and insist on student led exploration. Here is the good news, which provides great hope for the future of education, states that truly emphasize the science of learning in reading and math have gotten outstanding results.

In Mississippi, Louisiana, and Alabama, for example, a renewed focus on phonics and arithmetic mastery and holding schools accountable has resulted in rapidly rising test scores, even through the Pandemic. Similarly, Luminous Minds, a California based education platform, has proven that literacy gains can be achieved in

even the most challenging districts, through rigorous science based-literacy instruction.

Today we will hear from witnesses who have proven that principled leadership and science math instruction transform student outcomes. It is time we reclaim America's academic foundations. This means getting back to basics when it comes to reading and math. Our nation's freedom, prosperity, and national strength depend on it.

I am looking forward to today's hearing, and with that I will turn to the Ranking Member for an opening statement.

[The statement of Chairman Kiley follows:]



Opening Statement of Rep. Kevin Kiley (R-CA), Chairman
Early Childhood, Elementary, and Secondary Education Subcommittee
“Foundations First: Reclaiming Reading and Math through Proven
Instruction”
September 3, 2025

(As prepared for delivery)

The Reading Wars are over.

For years, for decades, countless young people in this country received literacy instruction that was not science-based and did not promote the mastery needed for success in school and in life. But now, in almost every state in America, science-backed literacy instruction has prevailed.

Still, progress has been uneven, and there is unfortunately still much work to do to see that best practices are followed in states and districts across the country. And more recently, we are seeing the same type of mistakes repeated when it comes to math.

The latest Nation’s Report Card (or NAEP) reflects this limited progress, showing that both 4th grade and 8th grade reading scores dropped 5 points compared to 2019; math scores dropped 3 points for 4th graders and 8 points for 8th graders

These low scores are part of a longer-term trend of poor performance in the U.S. Essentially, all scores on the NAEP Long-Term Trend Assessment have nearly flatlined since 1971.

International comparisons paint the same troubling picture. A recent international assessment showed that American 15-year-old students are below average in math among nations across the world.

There are many reasons for this decline. But one major reason, which is our focus today, is how schools moved away from grounding their instruction in the science of learning.

For generations, students in elementary school were taught to read by identifying letters and the sounds they represent. But then, starting in the 1970s, a new idea called “whole language” arose, leaving behind the explicit instruction of phonics as old-fashioned. This new method, which came to be known as “three-cueing” or “balanced literacy,” encourages students to read by guessing an unknown word based on its context and structure within a sentence, or even adjacent pictures in the book.

This approach was at odds with the Science of Reading, which aims to ensure students develop strong foundational skills. The Science of Reading emphasizes five core skills that every child must master: phonological awareness, phonics, fluency, vocabulary, and comprehension.

More than 40 states have now passed legislation for evidence-based reading programs in their schools. These programs emphasize the importance of phonics and building a deep vocabulary, rather than guessing words based on context.

There is a similar science behind learning math skills, where foundational skills like the four basic functions of arithmetic (addition, subtraction, multiplication, and division) are taught so that students can perform these functions automatically, and students are given step-by-step, direct instruction in problem-solving. But in too many places, this approach has been overtaken by teaching philosophies that reject direct instruction from teachers, devalue content knowledge, and insist on

student-led exploration.

Here's the good news, which provides great hope for the future of education. States that truly emphasize the science of learning in reading and math have gotten outstanding results. In Mississippi, Louisiana, and Alabama, for example, a renewed focus on phonics and arithmetic mastery, and holding schools accountable, has resulted in rapidly rising test scores, even through the pandemic. Similarly, Luminous Minds, a California-based education platform, has proven that literacy gains can be achieved in even the most challenging districts through rigorous, science-based literacy instruction. Today we'll hear from witnesses who have proven that principled leadership and science-backed instruction transform student outcomes.

It is time we reclaim America's academic foundations. This means getting back to basics when it comes to reading and math. Our nation's freedom, prosperity, and national strength depend on it.

Ms. BONAMICI. Thank you very much, Mr. Chairman, and thank you to the witnesses for being here today. Welcome back, I expect that we have all spent the previous month visiting, learning, and connecting with our constituents, and although we may disagree on some things, we surely can and should agree that our Nation's children deserve an education that allows them to reach their full potential and that is safe.

The inspiring educators and school administrators and bright young people I meet with in schools in Northwest Oregon always remind me of this. That being said, unfortunately, as we are having this hearing today people in Minneapolis are still reeling from another school shooting. This time at Annunciation Catholic School.

The start of the school year should begin with joyous activities, not burying classmates or recovering from bullet wounds. As Minneapolis Mayor Jacob Frey said, in the aftermath, "We can't just say this is about thoughts and prayers right now, these kids were literally praying when the shooter attacked. Congress needs to act to prevent gun violence, and after every senseless shooting, I'm increasingly more frustrated that we don't."

This is relevant because we want kids to be able to be focusing on learning, not worried about their safety. Now, to the issue at hand, improving math and reading instruction for students. I am looking forward to this hearing, and I have some optimism that we can find some bipartisan agreement as we did with our hearings on screen time and childcare, but I need to start with a few reminders.

First, the Trump administration is trying to eliminate the Department of Education. They are proposing a 67 percent cut to IES, the Institute of Education Sciences, where important educational research is done. Delayed funding, along with massive cuts of Department of Education staff who administer important programs

like Title I and IDEA, have already caused some chaos in public school districts across the country.

Finally, as we frequently discuss, curriculum decisions are made locally, not by Congress. That being said, I trust we can all agree that literacy and reading, and math are important for success in school and the future. We could also agree that the latest NAEP scores, as the Chairman said, show room for improvement. No doubt about it.

As we have this discussion, I do urge us to keep in mind that this year's NAEP results now have more specific information about the socioeconomic status of students. Those results show, for example, that 77 percent of fourth graders from the highest socioeconomic status scored above the national average, while only 34 percent of students from the lower socioeconomic status performed above average.

I just hope we can keep these disparities in mind as we continue our hearing today and beyond. You know, this Committee works on things like school nutrition, if kids are hungry, they cannot learn. Also, looking back on the screen time hearing, a growing number of schools and districts and even states are banning cell phones during the day. It will be interesting to see how those students do in math and reading once those bans have been in place for a while.

Here is the bottom line. Without the long-term and sustained Federal investment, students in schools will still lack the tools, the resources, and importantly the research they need to best teach all students to learn, including math and reading. The overwhelming majority of students in the United States, about 90 percent, attend public schools.

Public education is the foundation on which we build our future. Public schools serve the needs of every child, regardless of background or income. That is why we must invest in public education, and I submit, oppose voucher scams that are funneling taxpayer dollars to private institutions.

That said, I and most democrats support a wide range of options within the public school system, including magnet schools where I have seen students thrive when they have these options. For example, we have some of the top magnet programs in the State, in the district I represent, including Portland, Oregon's Benson Polytechnic High School, a CTE magnet school that offers programs in automotive, building instruction, electrical engineering, health occupations, media production and more.

Those are engaged students, who are learning. The Beaverton District has many choices: an international magnet, an arts and communication magnet, and an Academy of Science and Engineering. Again, programs that engage students, keep them in school, increase attendance, and make them more likely to succeed.

These valuable opportunities are offered to all students and most importantly, they are offered at free public schools that are required to comply with the Individual's with Disabilities Education Act.

Unfortunately, my colleagues have passed in the present and signed into law the Big, Ugly Bill, which will create the first nationwide school voucher program, effectively diverting taxpayer

funding and resources from public schools that enables donors of school voucher programs to receive a 100 percent tax credit for contributions, elevating those donations to voucher programs above all other donations, including donations made to food pantries or hospitals, or places of worship, and every other kind of charity.

Additionally, the new law will allow individuals earning up to and including 300 percent of the area median gross income to qualify to use vouchers to send their children to private schools, including religious schools. An analysis by the Institute on Taxation and Economic Policy found that this new private school voucher program could cost 56 billion dollars per year, more than all current Federal K–12 spending combined.

As I have said before, there is room for improvement and families want to have options, but the newly established National School Voucher Program is counterproductive and will make things worse for the majority at 90 percent of students who attend public schools, which is especially concerning in rural areas like in parts of the State that I represent. There are no other options.

They are already short on funding. There is no other school that a student could use a voucher for. Instead of spending time and resources on voucher schemes that do not work, and I will be introducing a very recent study proving that, Congress should focus on holding the Education Department accountable for carrying out its mission to promote a high-quality education, free from discrimination for all students.

I look forward to the conversation, and I yield back the balance of my time.

[The statement of Ranking Member Bonamici follows:]



OPENING STATEMENT

House Committee on Education and Workforce
Ranking Member Robert C. "Bobby" Scott

Opening Statement of Ranking Member Suzanne Bonamici (OR-01)
Subcommittee on Early Childhood, Elementary, and Secondary Education
"Foundations First: Reclaiming Reading and Math through Proven Instruction"
2175 Rayburn House Office Building
Wednesday, September 3, 2025 | 10:15 a.m.

Thank you very much, Mr. Chairman, and thank you to the witnesses for being here today.

Welcome back. I expect that we have all spent the previous month visiting, learning, and connecting with our constituents. And although we may disagree on some things, we surely can and should agree that our nation's children deserve an education that allows them to reach their full potential and that is safe.

The inspiring educators, school administrators, and bright young people I meet with in schools in Northwest Oregon always remind me of this.

That being said, unfortunately, as we are having this hearing today, people in Minneapolis are still reeling from yet another school shooting – this time at Annunciation Catholic School. The start of the school year should begin with joyous activities – not burying classmates or recovering from bullet wounds.

And as Minneapolis Mayor Jacob Frey said in the aftermath, we can't "just say, 'This is about thoughts and prayers right now.' These kids were literally praying," when the shooter attacked. Congress needs to act to prevent gun violence, and after every senseless shooting, I am increasingly more frustrated that we don't. And this is relevant, because we want kids to be focusing on learning, not worried about safety.

Now, to the issue at hand: improving math and reading instruction for students. I'm looking forward to this hearing, and I have some optimism that we can find some bipartisan agreement, as we did with our hearings on screen time and child care.

But I need to start with a few reminders: the Trump administration is trying to eliminate the Department of Education; they are proposing a 67% cut to IES, the Institute of Education Sciences, where important education research is done; delayed funding along with massive cuts of Department of Education staff who administer important programs like Title I and IDEA have already caused chaos in public school districts across the country; and finally, as we frequently discuss, curriculum decisions are made locally, not by Congress.

That being said, I trust that we all agree that literacy in reading and math are important for success in school and the future. We can also agree that the latest NAEP scores show room for improvement, no doubt about it.

As we have this discussion, I urge us to keep in mind that this year's NAEP results now have more specific information about the socioeconomic status of students. Those results show, for example, that 77% of fourth-graders from the highest socioeconomic status scored above the national average, while only 34% of students from the lowest socioeconomic status performed above average.

I just hope we keep these disparities in mind during our hearing today and beyond. This committee works on things like school nutrition, and if kids are hungry, they can't learn.

Also looking back on the screen time hearing, a growing number of schools and districts and even states are banning cell phone use during the day; it will be interesting to see how students do in math and reading once those bans have been in place for a while.

But here's the bottom line: without long-term and sustained federal investments, students and schools will lack the tools, the resources, and, importantly, the research they need to best teach all students to learn, including math and reading.

The overwhelming majority of students in the United States, about 90%, attend public schools. Public education is the foundation on which we build our future. Public schools serve the needs of every child, regardless of background or income.

That's why we must invest in public education and, I submit, oppose "voucher scams" that funnel taxpayer dollars to private institutions.

That said, I—and most Democrats—support a wide range of options within the public school system, including magnet schools, where I have seen students thrive when they have these options. For example, we have some of the top magnet programs in the state in the district I represent, including Portland Oregon's Benson Polytechnic High School, a CTE-magnet school that offers programs in automotive, building construction, electrical engineering, health occupations, media production, and more. Those are engaged students who are learning.

And the Beaverton district has many choices: an international magnet, an Arts and Communication magnet, and the Beaverton Academy of Science and Engineering – again, programs that engage students, keep them in school, increase attendance, and make them more likely to succeed.

These valuable opportunities are offered to all students – and most importantly, they are offered at free public schools that are required to comply with the Individuals with Disabilities Education Act.

Unfortunately, my colleagues have just passed, and the President signed into law the 'Big, Ugly Law,' which will create the first nationwide school voucher program, effectively diverting taxpayer funding and resources away from public schools.

That enables donors of school voucher programs to receive a 100 percent tax credit for contributions, elevating donations to voucher programs above all other donations, including donations made to food pantries, or hospitals, or places of worship, and every other kind of charity.

Additionally, the new law will allow individuals earning up to and including 300 percent of the area median gross income to qualify to use the vouchers to send their children to private schools, including religious schools.

An analysis by the Institute on Taxation and Economic Policy found that this new private school voucher program could cost \$56 billion per year—more than all current federal K-12 spending combined.

As I said before, there is room for improvement and families want to have options. But the newly established national school voucher program is counterproductive and will make things worse for the majority 90 percent of students who attend public schools, which is especially concerning in rural areas, like in parts of the state that I represent, where there are no other options. They are already short on funding, and there is no other school a student could use a voucher for.

Instead of spending time and resources on voucher schemes that don't work, and I'll be introducing a very recent study proving that, Congress should focus on holding the Education Department accountable for carrying out its mission to promote a high-quality education, free from discrimination, for all students.

I look forward to the conversation, and I yield back the balance of my time.

Chairman KILEY. Pursuant to Committee Rule 8(c), all members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk in Microsoft Word format by 5 p.m., 14 days after this hearing. Without objection, the hearing record will remain open for 14 days to all such statements, and other extraneous material noted during the hearing, to be submitted for the official hearing record.

I will now introduce our witnesses. Our first witness is Dr. Cade Brumley, the State Superintendent of Education for the State of Louisiana, from Baton Rouge, Louisiana. Our second witness is

Chandra Roughton, the Founder of Luminous Minds from Luminous, California.

Our third witness is Dr. Jhanae Wingfield, an Assistant Professor of Early Childhood and Literacy Education for the Department of Urban Education at Rutgers University, Newark, in Newark, New Jersey. Our fourth witness is Dr. Brent Harrison, the Superintendent of Saraland City Schools in Saraland, Alabama.

We thank the witnesses for being here today, and we look forward to your testimony. Pursuant to Committee Rules, I would ask that you each limit your oral presentation to a 3-minute summary of your written statement, as Committee members have many questions for you. The clock will count down from 3 minutes. However, pursuant to Committee Rule 8(d), and Committee practice, we will not cutoff your testimony until you reach the 5-minute mark.

I would also like to remind the witnesses to be aware of your responsibility to provide accurate information to the Subcommittee. With that, I will first recognize Dr. Brumley for your testimony.

STATEMENT OF DR. CADE BRUMLEY, STATE SUPERINTENDENT OF EDUCATION, STATE OF LOUISIANA, BATON ROUGE, LOUISIANA

Mr. BRUMLEY. Distinguished members of the Committee, thank you for having me here with you today. My name is Cade Brumley, and I am honored to be the State Superintendent of Education in the great State of Louisiana. It remains my honor to be able to share the story of Louisiana's historic progress across our State, and across the country, which is a testament to the fine teachers doing work across our State every single day.

On 2019's nation's report card, the State of Louisiana ranked 50th in the country. 50th for fourth-grade reading and fourth-grade math. Since then, Louisiana has led the entire country on two consecutive cycles of NAEP, and now Louisiana's fourth graders rank 16th in the country on literacy. Yes, from 50th to 16th.

Similarly, Louisiana has improved 12 places in fourth-grade math and is ranked in the top five for math growth overall in 2024. These gains at the fourth-grade level are remarkable, but they are only part of a much larger story unfolding in the State of Louisiana.

As a State, Louisiana has improved our overall ranking. In 2024, it has improved our overall ranking from 2019 when we were 50th in the country on the Nation's report card, to being 32d today on the Nation's report card.

Likewise, U.S. News and World Report has our Pre-K12 ranking moving from 50th in 2019 to 37 today. These historic improvements did not occur by accident or by chance. They happened because of an intentional focus and strategy. Over the past 5 years, we have ushered in historic and comprehensive education reforms in our State that have focused on getting back to the basics, valuing teachers as professionals, expanding educational freedom, and enriching parental rights.

In terms of back to the basics, for too long, Louisiana's schools have used their personnel, resources, time to prioritize in endeavors not aligned with their original intent.

The intent to ensure academic excellence. Instead of chasing shiny themes, Louisiana schools now provide a laser focus on teaching fundamental academic content and skills on the pursuit of academic excellence.

Specifically, we have implemented the science of reading statewide. Likewise, in math, we have returned to a tried-and-true practice of building foundational numeracy skills. These reforms require teachers in the classrooms, so we must value them. After the parent, there is nothing more important for every child than having a high-quality teacher.

Teachers deserve effective school leaders, meaningful professional learning, reduced distractions, elevated voice, and compensation that makes sense in the 21st Century. We must appreciate all of these things to the profession. In Louisiana, we actually listen to teachers.

Through our Let Teachers Teach Initiative, we have done amazing work of removing barriers and distractions and removing bureaucracy that has pulled teachers away from instruction and has restored discipline to the classroom.

We have also expanded opportunities for families. In Louisiana, educational freedom opportunities have become more abundant for our families. We have expanded choice options and removed barriers to accessing environments that make the most sense for each individual student.

Educational freedom is inseparable from parental rights because parents are the child's first and foremost teachers. Children belong to their parents, not the government. Anything to solidify and accelerate the fundamental right of the parent must be a priority for each of us.

Parents send their children to school expecting strong instruction in reading, in math, in science, and in history, not indoctrination on divisive issues. In closing I would like to thank President Trump and Secretary McMahon for their leadership and empowering the states to chart their own educational path, and I am proud of the work that we have accomplished in the State of Louisiana.

Moving from 50th in the country in 2019 on the Nation's report card to 32d here today. I am hopeful about where we are going. We are pleased, but we are not satisfied. There is more work to do, and we must keep getting better. I look forward to discussing our progress with each of you, our challenges, and the lessons that we have learned along the way, which may be valuable to others.

Thank you again for this opportunity to speak today.

[The prepared statement of Mr. Brumley follows:]

Chairman Kiley, Ranking Member Bonamici, and distinguished members of the committee, thank you for having me today. My name is Cade Brumley, and I serve as the Louisiana State Superintendent of Education.

It remains my honor to tell the story of Louisiana's historic educational progress.

On the 2019 Nation's Report Card, the state of Louisiana ranked 50th in the country for 4th-grade reading and math.

Since then, Louisiana has led the entire country in literacy on two consecutive NAEP cycles and now, Louisiana's 4th graders rank 16th in the country in literacy.

Similarly, Louisiana has improved 12 places in 4th-grade math and ranked in the top 5 for overall math growth in 2024.

These gains at the 4th-grade level are remarkable, but they are only part of a much larger story unfolding in Louisiana – a story that seeks academic excellence.

As a state, Louisiana has improved its overall ranking on The Nation's Report Card from 50th in 2019 to 32nd today and our US News PK-12 Ranking from 50th in 2019 to 37th today. I believe we are one of the most important educational stories in the country.

These historic improvements did not occur by accident or chance—they happened because of an intentional focus and strategy.

Over the past 5 years, we have ushered in comprehensive education reform that has focused on:

- Getting back to the basics
- Valuing teaching professionals
- Expanding Educational Freedom and Parental Rights

At the foundation of every strong education system is a commitment to the fundamentals.

Back to Basics

For too long, Louisiana schools were utilizing their personnel, resources, and time to prioritize endeavors not aligned with their original intent – ensuring academic excellence. Instead of chasing shiny things, Louisiana schools now provide a laser focus on teaching fundamental academic content and skills.

Specifically, we have implemented the Science of Reading statewide. In math, we are returning to tried-and-true practices to build foundational numeracy skills. We also built a simplified school accountability framework so parents and communities get an honest look at school quality.

But no reform succeeds without those who stand at the front of the classroom.

Value Teaching Professional

After the parent, there is nothing more critical for student success than high-quality school teachers. Teachers deserve effective school leaders, meaningful professional learning opportunities, reduced distractions, an elevated voice, and compensation that makes sense in the 21st century.

We must appreciate the significance of the profession and those who choose to serve the next generation. So in Louisiana, we did something radical—we actually listened to our teachers. Through the “Let Teachers Teach” initiative, we elevated teacher voices and removed barriers that pulled them away from instruction.

Teachers told us clearly:

- They are not social workers.
- Bureaucracy must be reduced.
- Discipline must be restored.

Just as we elevated teachers, we also expanded opportunities for families.

Expand Education Freedom

In Louisiana, educational freedom opportunities have become more abundant for families. We’ve expanded choice options and removed barriers to accessing environments that make the most sense for students.

Alongside strong traditional public schools, we are cultivating a portfolio that includes high-quality public charters, non-public schools, and recognizing the value of home-study families. With true educational freedom, Louisiana must continue its efforts to fund students—not systems as a rising tide lifts all boats.

Educational freedom is inseparable from parental rights, because parents are a child’s first and foremost teacher.

Parental Rights

Children belong to their parents, not the government. Anything to solidify and accelerate the fundamental rights of parents must be a priority. Parents send their children to school expecting strong instruction in reading, math, science, and history—not indoctrination on divisive issues.

We have worked to deepen trust between parents and schools by focusing on core academics and expanding transparency. Parents should have easy access to records, curriculum resources, and school finances. The more transparency, the better.

In closing, I would like to thank President Trump and Secretary McMahon for their leadership in empowering states to chart their own educational path. I am proud of the work we’ve accomplished, and I’m even more hopeful about where we’re going. We are pleased, but not

satisfied. We must keep getting better. I look forward to discussing our progress, our challenges, and the lessons we've learned that may be valuable.

Thank you again for the opportunity to speak with you today.

Chairman KILEY. Thank you very much. I will next recognize Ms. Roughton for your testimony.

**STATEMENT OF MS. CHANDRA ROUGHTON, FOUNDER,
LUMINOUS MINDS, LOOMIS, CALIFORNIA**

Ms. ROUGHTON. Good morning Mr. Chairman, Ranking Member, distinguished Members of Congress. I would just like to thank you for the opportunity to be here this morning and speak to you about truly one of the most critical and urgent issues facing our educational system.

How we teach young children how to read. My name is Chandra Roughton, and I'm the CEO and Founder for Luminous Minds, an educational platform that provides science of reading aligned resources, stellar professional development for teachers, and works on family engagement initiatives, supporting districts, schools and intervention programs across our country.

Before founding Luminous Minds, I had the privilege of serving in public education for over two decades, as a classroom teacher, an instruction coach, a principal, a curriculum expert, most of this time being in Title I schools working with our at risk students.

My passion has always been literacy, and today I am here, not just as an educator, but as an advocate for children all over our Nation that are depending on us to get this right. Let me begin with the reality that is both heartbreaking, yet also motivating. As shared by our Chairman, according to the most recent NAEP data, only 33 percent of fourth graders in the United States are reading at or above proficiency.

That means 67 percent, two out of every three children are not. Unfortunately, this is not a new reality. Since 1992, our national reading scores have hovered between 29 and 37 percent. Despite decades of reform, the needle has not moved. In plain terms, more children in this country can't read than can.

Here is what's even more troubling. We know what works, and we have not consistently implemented it. The science of reading is not a trend, and it is not a theory. It is a body of decades long research from fields like neuroscience, cognitive psychology, linguistics, and it tells us how the brain learns to read and exactly what's required to teach it effectively in our schools.

Reading is not a natural process. Unlike speaking, which children acquire effortlessly, just through basic exposure and interaction, learning how to read is a very complex, cognitive task. It literally requires rewiring of the brain where we have to connect visual, auditory, and linguistic pathways, so that we can make meaning from print.

Only 5 to 10 percent of children learn how to read naturally without any instruction. For the rest, that's 90 to 95 percent, success depends on direct explicit teaching through structured literacy as promoted in the science of reading. The encouraging news is

that all children can learn to read when given evidence-based instruction, trained educators, and the right support.

The science of reading outlines five essential pillars to make reading instruction effective. These are focusing on phonological awareness, phonics, building fluency, developing high level academic vocabulary, and comprehension. Too often, classrooms are still relying on outdated, ineffective practices like balanced literacy and the three cuing-method, which prompts students to guess at words, instead of learning the skills to properly decode them.

Science is very clear. Guessing is not reading. In contrast, structured literacy promoted by the science of reading, equips children with systemic phonics decoding process, access to high quality materials like decodable texts, building confidence and joy. Encouragingly, more and more states are banning the three cuing method and requiring science aligned instruction.

This is absolutely a step in the right direction, but it's not enough to change the standards. State and local governments must also support educators through high quality, proper training, through coaching, and access to research-based materials. Teachers deserve the knowledge and tools to do what works. Families and parents deserve to understand how they can help their children learn how to read at home.

Most importantly, our children deserve instruction that gives them the best chance to succeed at life. We do not need to keep guessing. We know what works, we simply need the will, the coordination, and the commitment to act on it. Thank you again for the opportunity to speak with you today. I look forward to your questions and in working together on real solutions for our Nation's most precious asset, our children.

[The prepared statement of Ms. Roughton follows:]

Written Testimony to Congress: The Science of Reading
Expanded Statement – Chandra Roughton, Founder & CEO, Luminous Minds

Good morning, distinguished members of Congress, and thank you for the opportunity to testify before the Committee on Education and Workforce. It is a privilege to speak to you about one of the most urgent and consequential issues facing our education system: **how we teach children to read.**

My name is **Chandra Roughton**, and I am the Founder and CEO of **Luminous Minds**, an educational platform providing science-of-reading-aligned resources, professional development, and family engagement initiatives for schools, districts, and intervention programs across the country. Before founding Luminous Minds, I had the honor of serving in public education for over two decades—as a classroom teacher, instructional coach, principal, and curriculum leader—mostly in Title I schools. My life's work has always been literacy, and I am here today not just as an educator, but as an advocate for children who are depending on us to get this right.

Let me begin with a reality that is both heartbreaking and urgent. According to the most recent **National Assessment of Educational Progress (NAEP) data from 2022**, only **33% of fourth graders in the United States are reading at or above proficiency**. That means **two out of every three children—67%—are not proficient readers**. Unfortunately, this is not new. Since 1992, national reading scores have consistently hovered between 29% and 37%. Despite decades of reform efforts, the needle has not moved. In plain terms: more children in this country cannot read proficiently than can.

Here is the troubling reality: **we know what works—and yet, we have not consistently implemented it.**

The **Science of Reading** is not a trend or a theory. It is a **comprehensive body of research**, built over decades from fields such as neuroscience, cognitive psychology, and linguistics. It explains how the brain learns to read and what is required to teach reading effectively. Unlike speaking, which humans acquire naturally through exposure and interaction, reading is not a natural process. It requires **explicit, systematic instruction** that rewires the brain, connecting visual, auditory, and linguistic pathways to make meaning from print.

Research shows that only **5–10% of children will learn to read naturally without any formal instruction** (Lyon, 1997). In a classroom of 30 students, that's just 1 to 3 children. The remaining **90–95% need direct, structured teaching** to master foundational reading skills. The good news is that decades of multidisciplinary research confirm that **nearly all children—95% or more—can learn to read** when provided with high-quality, evidence-based instruction grounded in the Science of Reading (Torgesen, 2004). This is not about

ability; it is about *access*—to effective methods, well-prepared educators, and the right support systems.

The Science of Reading identifies **five essential components** that every child must master:

1. **Phonological Awareness** – recognizing and manipulating sounds within words.
2. **Phonics** – understanding sound-symbol relationships to decode words.
3. **Fluency** – reading with speed, accuracy, and expression.
4. **Vocabulary** – building robust word knowledge and academic language.
5. **Comprehension** – moving from learning to read, to reading to learn, across diverse texts.

When students are systematically taught these pillars, the pathway to reading proficiency is clear and achievable.

And yet, in too many classrooms across the country, I still observe instructional practices that do not align with this science. One of the most common is **balanced literacy**, which blends limited phonics instruction with strategies such as the **three-cueing system**. This method encourages children to guess unfamiliar words using:

- **Semantic cues** (meaning): “*The boy rode his ____ to school*” — a student might guess *bike* even if the word is *scooter*.
- **Syntactic cues** (grammar): “*She is ____ the book*” — a child might guess *reading* or *reads* based on what “sounds right,” not what is printed.
- **Graphophonic cues** (visual/letter clues): “*The cat hid behind the fe____*” — a child might guess *fence* by looking at the first letters, rather than decoding.

This may feel intuitive, but research shows it is **ineffective**. Students taught to rely on guessing strategies often develop inaccurate habits and gaps that persist into adolescence. For example, a middle schooler using cueing strategies might interpret text as “*Germany invited Poland*” instead of “*Germany invaded Poland*”—a dangerous misinterpretation with profound consequences for comprehension. When children are encouraged to guess, they may appear fluent early on, but they miss the foundational skills needed to truly decode. These gaps compound over time, disproportionately harming struggling readers, English Learners, and students with dyslexia who most need explicit instruction.

Balanced literacy is built on the mistaken assumption that reading is a natural process. But neuroscience is clear: **the brain is not wired to read**. Without explicit, systematic instruction, many children never learn to decode with accuracy and confidence.

A Better Way

Contrast this with a classroom grounded in **structured literacy**: kindergartners explicitly learning letter-sound correspondence, practicing decoding with decodable texts, and building skills progressively until they can confidently read and understand grade-level material. I have witnessed the joy on a child's face when they realize they can read—not by guessing, but by applying skills they have been taught.

Encouragingly, more and more states are now banning the three-cueing method and requiring instruction aligned with the Science of Reading. This is an important step forward. But policy alone is not enough. States and local governments must also:

- Ensure teachers receive **comprehensive training and coaching** in structured literacy.
- Provide **high-quality, research-based instructional materials** to classrooms.
- Equip families with resources to support early literacy at home.
- Reform teacher preparation programs to ensure new educators enter the field prepared to teach reading effectively.

This is not a partisan issue. **It is a children's issue**. Literacy is the foundation of opportunity, equity, and civic participation. We have the research. We know what works. What we need now is the **will, the coordination, and the commitment** to act.

Every child in America deserves the chance to unlock the power of reading. And every teacher deserves the training and tools to make that possible. Together, we can end the literacy crisis and ensure that the next generation of students does not inherit the failures of the past but the promise of a brighter future.

Thank you for the opportunity to speak with you today. I look forward to your questions and to working alongside you on **real, research-based solutions for our nation's children**.

References

1. Lyon, G. R. (1997). *Report on learning disabilities research*. NICHD.
2. Torgesen, J. K. (2004). *Preventing early reading failure and its devastating downward spiral*. American Educator.
3. National Reading Panel. (2000). *Teaching Children to Read: An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction*. NIH Publication No. 00-4769.
4. Stanovich, K. E. (1986). *Matthew effects in reading: Some consequences of individual differences in the acquisition of literacy*. Reading Research Quarterly.
5. Snow, C. E., Burns, M. S., & Griffin, P. (Eds.). (1998). *Preventing Reading Difficulties in Young Children*. National Academies Press.
6. Seidenberg, M. (2017). *Language at the Speed of Sight: How We Read, Why So Many Can't, and What We Can Do About It*. Basic Books.
7. Foorman, B. R., et al. (2016). *Foundational Skills to Support Reading for Understanding in Kindergarten Through 3rd Grade*. Institute of Education Sciences Practice Guide.

Chairman KILEY. Thank you very much. I will next recognize Dr. Wingfield for your testimony.

STATEMENT OF DR. JHANAE WINGFIELD, ASSISTANT PROFESSOR OF EARLY CHILDHOOD AND LITERACY EDUCATION, DEPARTMENT OF URBAN EDUCATION AT RUTGERS UNIVERSITY NEWARK, NEWARK, NEW JERSEY.

Ms. WINGFIELD. Good morning and thank you, Chairman, Ranking Member and members of the Subcommittee. Thank you for the opportunity to testify on proven instruction for reading and math. This critical issue matter deeply to me and millions of families, students, educators and policymakers.

My name is Jhanae Wingfield, and I serve as an Assistant Professor of Early Childhood and Literacy Education at Rutgers University, Newark. I come before you today in both a personal and professional capacity. My journey in education has been multifaceted. I have served as a classroom teacher, a literacy coach, an administrator, a professor preparing future educators, and a researcher working across many school types and student populations.

Personally, I am also a proud product of public schools, having attended both State and public institutions throughout my academic career. These experiences, both lived and professional, have given me deep understanding of the challenges and possibilities in literacy and math instruction.

It is from this vantage point that I make the case for proven instructional practices, the urgent need to invest in efforts that strengthen teaching and learning in public schools, and the importance of resisting policies, such as school vouchers, that weaken and undermine our public education system.

The history of literacy in the United States is tied to inequity, from antiliteracy laws, to chronic underfunding of schools serving low-income students, access to reading and writing has never been evenly distributed. Today, the disparities persist. Children from marginalized communities are more likely to fall behind, and those who do not achieve reading proficiency by third grade are four times more likely to drop out of high school.

According to NAEP's 2024 report, just a third of U.S. fourth graders are reading at or above proficiency. For black fourth graders, many of them scored 28 points behind their white peers. By eighth grade, black students average reading scores showed no significance change from 2019, while white student scored declined, which narrowed the gap, but the difference remained substantial at 24 points.

Long-term trend data underscores how persistent these gaps are. For decades, NAEP has reported racial disparities in achievement, and they remain entrenched. In mathematics, the long-term trend assessment for 13-year-olds showed that white and black score difference widened from 35 points in 2020 to 42 points in 2023.

This gap does not reflect black students' capability, rather it calls into question whether our instructional practices in classroom environments are truly designed for all children and a reminder that math achievement is not separate from literacy. Understanding word problems, following multistep instructions, and explaining reasoning all depend on students access to and use of academic language and literacy skills.

Students who struggle with reading often struggle with math, not because they lack ability, but because they cannot access the language in which math is taught. Investments in literacy are therefore investments in all learning, and in long-term success of our students.

To ensure those investments have impact, literacy instruction must also acknowledge and honor linguistic diversity students bring into the classroom. The science of reading has provided valuable insights into how children learn to decode and recognize words, but we must remember that students come from diverse linguistic backgrounds. They speak different dialects, regional varieties, and languages at home.

If instruction does not reflect these realities, students can be misunderstood, mislabeled, or left behind. Strong literacy instruction requires both evidence-based practices and culturally responsive teaching. Teachers need sustained training and resources to meet students where they are, and that requires public investment that does not fluctuate from year to year.

We have seen what targeted investments can accomplish. In New Jersey, districts like Union City, once considered at risk for State takeover, leveraged Federal relief funds to mitigate learning loss during the pandemic, providing high impact tutoring, extended summer learning, and expanded digital access. As a result, Union City has become a model for how equitable investment can transform student achievement.

When schools are well supported, children thrive. When funding is withheld or diverted to private vouchers, equity suffers. Students with disabilities are especially vulnerable. Federal laws guarantee access to education, but without adequate funding schools cannot provide the individualized support these students need.

Evidence-based interventions, specialized instruction, and assistive technology all depend on predictable, sustained investments. Public schools are not just educational institutions. They are community anchors. No, teachers should not be expected to serve as social workers, or sacrifice their own well-being, but they must be equipped with training and anti-biased practices and social emotional development, so that they can support the whole child.

The whole child can only engage in learning when they are safe, well-nourished, healthy and stably housed. Public schools provide stability, safety, and opportunity for children and families. When Federal support is frozen or inconsistent, programs collapse, staff shortages worsen, and students lose access to the very resources that allow them to succeed.

Investment in public schools—oh sorry. Sorry. Oh, sorry. Investment in public schools and teacher preparation, and literacy research—it is not optional. It is essential. I will stop there. I am sorry.

[The prepared statement of Dr. Wingfield follows:]

Testimony provided to the U.S. House of Representatives
House Education and the Workforce Committee
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing: "Foundations First: Reclaiming Reading and Math through Proven Instruction"

September 3, 2025

Jhanae Wingfield, Ed.D
Assistant Professor of Early Childhood and Literacy Education
Rutgers University- Newark

Introduction

Good morning Chairman, Ranking Member, and Members of the Subcommittee:

Thank you for the opportunity to testify on proven instruction for reading and math. This critical issue matters deeply to me and to millions of families, students, educators, and policymakers. My name is Jhanae Wingfield, and I serve as an Assistant Professor of Early Childhood and Literacy Education at Rutgers University–Newark. I come before you today in both a personal and professional capacity.

My journey in education has been multifaceted. I have served as a classroom teacher, a literacy coach, an administrative leader, a professor preparing future educators, and a researcher working across many different school types and student populations. Personally, I am also a proud product of public schools, having attended both state and public institutions throughout my academic career. These experiences, both lived and professional, have given me a deep understanding of the challenges and possibilities in literacy and math instruction.

It is from this vantage point that I make the case for proven instructional practices, the urgent need to invest in efforts that strengthen teaching and learning in public schools, and the importance of resisting policies, such as school vouchers, that weaken and undermine our public education system.

Why Literacy is Important

The history of literacy in the United States is deeply tied to questions of equity and civil rights. From anti-literacy laws to the persistent underfunding of schools serving low-income students, access to literacy has always been unequally distributed. Today, the U.S. Department of Education plays an essential role in monitoring and protecting the civil rights of students, including those with disabilities, to ensure that every child has the opportunity to learn. Although literacy learning touches all students, not all students experience literacy learning in the same way. Differences in race, income, and geography continue to shape who has access to high-quality instruction and who bears the burden when systems fail. These inequities compound over

time. Research has shown that children who do not achieve reading proficiency by third grade are four times more likely to drop out of high school¹.

Literacy is also a gateway to math learning. Foundational numeracy is built on language: understanding word problems, following multi-step instructions, and explaining reasoning all depend on reading comprehension and vocabulary. Students who struggle with reading are more likely to struggle with math achievement, not because they lack ability, but because they cannot access the language in which math is taught². Investing in literacy, therefore, is an investment in both reading and math outcomes.

A literate society is a strong society. Literacy opens doors to education, employment, and civic participation. It is also central to preserving culture, passing down traditions, and sustaining community life across generations. Decades of research have demonstrated that children who grow up in households and schools with strong literacy support are more likely to graduate, secure steady employment, and break the cycle of poverty³. By contrast, limited access to literacy resources is closely connected to lower earnings, poorer health outcomes, and higher rates of involvement with the criminal justice system⁴.

Adults with strong literacy skills earn higher wages, have greater job stability, and are better able to support their families. A Gallup report estimated that low adult literacy costs the U.S. economy more than \$2.2 trillion annually in lost productivity and earnings⁵. Strengthening literacy, particularly in historically marginalized and economically disadvantaged communities, directly contributes to a more inclusive workforce and a stronger economy overall.

-
1. Hernandez, D. J. (2011). *Double Jeopardy: How Third-Grade Reading Skills and Poverty Influence High School Graduation*. Annie E. Casey Foundation.
 2. Snow, C. E., & Uccelli, P. (2009). The challenge of academic language. *The Cambridge handbook of literacy*, 112, 133.
 3. McFarland, J., Hussar, B., Zhang, J., Wang, X., Wang, K., Hein, S., ... & Barmer, A. (2019). The Condition of Education 2019. NCES 2019-144. *National Center for Education Statistics*.
 4. ProLiteracy. (2025). *The Impact of Literacy: Basic Facts About Literacy*.
 5. Rothwell, J. (2020). Assessing the economic gains of eradicating illiteracy nationally and regionally in the United States. *Barbara Bush Foundation for Family Literacy*, 9, 3-9.

Reading Wars

Neuroscientific research from the 1990s onward, including brain imaging studies, provided strong evidence for the role of phonics and decoding in how the brain processes written language. This evidence gave rise to what is often referred to as the "science of reading."

There is absolute validity and substance to this body of work. The science of reading has clarified important aspects of how children acquire literacy, especially the neurological processes behind decoding and word recognition. Forty states have enacted laws and or policies that mandate that their schools use evidence-based methods informed by the "science of reading"⁶. This is just one step in the right direction to help improve literacy instruction in schools. However, a problem arises when these findings are treated as a one-size-fits-all solution.

The public discourse around the "science of reading" often overlooks language variation and the sociocultural contexts in which children learn. Students do not all arrive at school speaking or

hearing the same version of English. Children may grow up with regional vowel shifts, distinct accents, African American English, Caribbean English, Spanish-influenced English, or other variations of English. Teachers, however, are often only trained to map *standard English sounds* onto letters. When students' speech does not align with the "expected" sounds, teachers may mistake the difference for a deficit.

These nuances and how teachers address them are understudied but crucial. If we ignore them, implementation of the science of reading risks reinforcing inequities rather than closing them. For example, when a child pronounces words with a regional accent or uses a non-rhotic variety of English (dropping "r" sounds), the instruction they receive may not reflect how they actually hear and produce sounds. This disconnect creates confusion for students and frustration for teachers, who are left without guidance on how to bridge these differences. Addressing this requires more than curriculum mandates, it requires deep investment in teacher education and sustained professional development, so that educators are equipped to recognize linguistic diversity, tailor instruction, and close persistent literacy gaps⁷.

State and local governments' commitment to strengthening public school instruction, particularly in literacy and mathematics, is not only the most equitable path forward but also the most effective one. In New Jersey (NJ), where I have worked across the education sector, there is compelling evidence on the possibilities when the right investments have been made: nine low-income school districts defied national trends by overcoming the COVID slump and outscoring their pre-pandemic performance¹². Union City, long recognized as a national exemplar, demonstrated how districts that leveraged COVID relief funds strategically, through high-impact tutoring, expanded summer learning, and targeted technology supports were able to mitigate learning loss for their most vulnerable students⁷. Yet, the pandemic also exposed stark inequities: higher-income districts were significantly more likely to transition smoothly to online learning because of students' prior exposure to devices, reliable internet access, and digital literacy skills⁷. These disparities remind us that without equitable investment in public schools, teacher preparation, and ongoing supports, instructional reforms risk leaving behind the very students they are intended to serve.

When schools moved online in March 2020, by NJ state executive order to protect the health and well-being of its students, its staff, and the families, these existing digital inequities became learning inequities. National surveys showed that lower-income families were far more likely to report barriers such as relying on a cell phone for schoolwork, lacking a home computer, or using public Wi-Fi to complete assignments. In April 2020, 43% of lower-income parents said their child was likely to do schoolwork on a phone, 40% said they would need public Wi-Fi because home internet was unreliable, and 36% said their child might not complete work due to no computer at home⁸.

New Jersey moved quickly to try to close these gaps. In July 2020 the state launched a three-pronged "Digital Divide" plan and grant program to fund devices and connectivity for students most in need; initial state estimates identified more than 230,000 students lacking a device and/or reliable internet^{9&10}. By January 2021, the New Jersey Department of Education (NJDOE) reported fewer than 8,000 students remained without access¹¹.

These access issues aren't just logistical, they shape literacy and math outcomes. Early elementary students were suddenly expected to read and write on screens and compose at a keyboard. NAEP's first computer-based writing assessments (grades 8 and 12 in 2011, a grade-4 pilot in 2012) documented links between word-processing familiarity and writing performance, underscoring why schools must explicitly teach keyboarding and digital composing skills by the upper elementary grades¹³. While third-graders typically display age-appropriate eye-hand coordination and fine motor capacity, keyboarding presents unique challenges: small hands may struggle to span standard keyboards; precise finger isolation and bilateral coordination for touch typing remain emergent; typing endurance is often limited; and cognitive load balloons when students must manage motor planning alongside composing. Early exposure can build familiarity, but without structured instruction, kids may develop inefficient habits. Moreover, handwriting continues to support spelling accuracy, letter recognition, and text fluency more robustly in younger students. Given these dynamics, schools should intentionally teach typing skills using developmentally tailored curricula, ergonomic adjustments, and blending of handwriting and digital composing, to ensure equitable literacy outcomes.

Screen reading itself also carries tradeoffs. Multiple meta-analyses have found a small but reliable "screen inferiority" effect for comprehension, especially under time pressure, suggesting schools should build students' stamina for sustained digital reading while still leveraging print for deep comprehension¹⁴.

Instructionally, the pandemic also exposed an overcorrection: in some places, an intense focus on phonics left too little time for building knowledge and vocabulary through content-rich texts, key drivers of comprehension. Decades of cognitive science show that background knowledge and domain vocabulary strongly support reading understanding; contemporary summaries of the "science of reading" likewise emphasize that systematic foundational skills must be paired with language, knowledge, and text engagement¹⁵.

This matters for math, too. Word-problem performance is tightly linked to language comprehension and vocabulary (both general and math-specific). Longitudinal and meta-analytic work shows that students' reading comprehension and language skills predict math word-problem success; interventions that strengthen linguistic features of problems can improve math outcomes. In short: stronger literacy instruction strengthens math¹⁶.

Looking ahead, developmentally appropriate technology use should include: (1) explicit keyboarding and digital composing instruction by grade 3–4 to reduce construct-irrelevant barriers on computer-based tasks; (2) deliberate practice to build screen-reading stamina alongside continued print use for complex texts; and (3) literacy blocks that secure decoding while systematically building knowledge and vocabulary across subjects. These steps require stable investment in public schools. Continued diversion of public funds to alternatives like private vouchers undermines districts' ability to sustain devices, connectivity, teacher training, and integrated literacy-math supports, precisely the investments that helped New Jersey narrow its digital divide. It is also important to note that decisions regarding reading and literacy curricula are primarily made at the state and local levels, reflecting the principle of local control in education. This decentralized approach allows communities to tailor instructional materials to

their specific needs and contexts, ensuring that curricula are responsive to local priorities and student populations.

For many communities, particularly those with concentrated poverty, the challenge of rebounding from pandemic-era disruptions extends far beyond classrooms and technology use. Research consistently shows that educational recovery is inseparable from conditions of housing stability, neighborhood safety, and access to healthcare¹⁷. Students experiencing housing insecurity, food scarcity, or unsafe living conditions face greater difficulty sustaining the attention and stamina required for literacy growth, regardless of the quality of instructional interventions¹⁸. In districts such as Newark, Paterson, and Camden, where economic precarity and under-resourced housing intersect with racial inequities, schools often become the sole provider of stability and resources. Without continued federal and state investment, these districts cannot buffer the effects of poverty while simultaneously advancing literacy and digital learning goals.

-
6. National Center for Learning Disabilities. (2025, March). *Policy Position: Literacy and Science of Reading*. Retrieved from <https://ncld.org/wp-content/uploads/2025/03/033125-Policy-Position-Literacy-and-Science-of-Reading.pdf>
 7. Santana, E., Walsh, P., Gwathney, A., Payne, C., Majewski, K., Wingfield, J., Neyman, J., Simpson, P., and Cooner, E. Promising Practices Project: Qualitative Findings. 2025. New Jersey State Policy Lab. New Brunswick, NJ: Rutgers University
 8. Lake, R., & Makori, A. (2020, June). *The Digital Divide Among Students During COVID-19: Who Has Access? Who Doesn't?* Center on Reinventing Public Education. Retrieved from <https://crpe.org/the-digital-divide-among-students-during-covid-19-who-has-access-who-doesnt/>
 9. U.S. Department of Education. (2021, April 21). *State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund: New Jersey*. Retrieved from <https://www.ed.gov/sites/ed/files/2021/08/New-Jersey-ARP-ESSER-State-Plan-Final.pdf>
 10. Office of the Governor of New Jersey. (2020, July 16). *Governor Murphy Unveils Plan to Address Digital Divide Ahead of 2020–2021 School Year*. Retrieved from <https://www.nj.gov/governor/news/news/562020/20200716a.shtml>
 11. Hodges, K. (2021, January 21). *New Jersey's Digital Divide in Districts with State-Funded Pre-K*. National Institute for Early Education Research, Rutgers University. Retrieved from <https://nieer.org/research-library/new-jerseys-digital-divide-districts-state-funded-pre-k>
 12. Author Unknown. (2025, February). *How Nine Low-Income New Jersey School Districts Overcame Pandemic Slump and Outperformed*. NJ Spotlight News. Retrieved from <https://www.njspotlightnews.org/2025/02/how-nine-low-income-j-school-districts-overcame-pandemic-slump-outperformed/>
 13. National Center for Education Statistics. (2012). *The Nation's Report Card: Writing 2011* (NCES 2012–470). Institute of Education Sciences, U.S. Department of Education. <https://nces.ed.gov/nationsreportcard/pdf/main2011/2012470.pdf>
 14. Salmerón, L., Altamura, L., Delgado, P., Karagiorgi, A., & Vargas, C. (2024). Reading comprehension on handheld devices versus on paper: A narrative review and meta-analysis of the medium effect and its moderators. *Journal of Educational Psychology*, 116(2), 153.
 15. Goodwin, A. P., & Jiménez, R. T. (2021). The science of reading: Supports, critiques, and questions.
 16. Kenney, J. M., & Hanczewicz, E. (2005). *Literacy strategies for improving mathematics instruction*. ASCD.
 17. Chen, B. (2024, February 28). *How housing instability affects educational outcomes*. *Housing Matters*. Urban Institute. <https://housingmatters.urban.org/articles/how-housing-instability-affects-educational-outcomes>
 18. Fantuzzo, J., LeBoeuf, W., Brumley, B., & Perlman, S. (2013). A population-based inquiry of homeless episode characteristics and early educational well-being. *Children and Youth Services Review*, 35(6), 966–972.

What do NAEP Scores Suggest

National Assessment of Educational Progress (NAEP) scores, often described as the nation's report card, have shown declines in reading achievement since 2012 and sharply worsened following the pandemic, particularly among low-income students and students of color¹⁹. In response, policymakers have suggested that a greater investment should go to school vouchers instead to increase choice. What students need instead are strong high quality preschool enrollment options, early screening systems and continuous checks for learning; tools that allow educators to identify challenges before they grow into larger gaps. These findings underscore why direct public investments in literacy, particularly in the earliest years, are far more effective than market-based solutions like vouchers. When policymakers have invested directly in public

literacy initiatives, the results have been measurable and long-lasting. High-quality pre-K programs such as New Jersey's Abbott Preschool have produced gains in reading and math achievement that persist well into elementary school²⁰. These initiatives not only benefit children academically but also support families and strengthen communities by enabling parents to work and pursue education.

Early childhood investments alone are not enough; their effectiveness depends on whether teachers are equipped to sustain student progress once children enter school. When teachers have access to professional development and understand how to analyze the data from the early screeners and formative assessments, they can adjust instruction in real time and provide the scaffolding students need. Yet too often, teachers are underprepared or under-supported in making sense of what the data is telling them²¹. Professional learning communities and evidence-based training are essential for giving educators the strategies to respond effectively to reading difficulties they observe in their classrooms.

At the same time, literacy instruction cannot ignore the changing landscape of how students encounter text in a digital world. Technology further complicates the picture. Children today are learning to read and engage with text in new ways like on screens, through multimedia, and often in shorter bursts of attention²². This shift changes stamina for sustained reading and alters how students process longer, more complex passages. Rather than ignoring these realities, we must invest in research and teacher training that helps schools integrate developmentally appropriate technology while also maintaining a focus on building deep comprehension skills. Without proper funding, however, schools will remain unprepared to balance the opportunities and challenges technology brings to literacy instruction.

Math instruction is tied to these same concerns. Just as literacy development requires ongoing monitoring and responsive teaching, numeracy depends on cumulative knowledge building and conceptual understanding. Students who lack foundational math and reading skills by third grade are more likely to struggle across subjects, placing them at greater risk for future academic and workforce challenges¹. Public investment in proven instructional practices, not voucher schemes, ensures that schools can strengthen teaching in both literacy and math, setting students up for long-term success.

Redirecting funds through vouchers would do the opposite: it would weaken public schools' ability to invest in professional development, assessment systems, and technology integration all of which are crucial for helping students recover and thrive in the wake of historic learning loss. Investments must occur in our public schools, where the vast majority of students are educated, and where our collective responsibility lies. School vouchers, by contrast, divert critical resources away from public schools and funnel them into private systems that are not accountable to the same standards, civil rights protections, or transparency. Research has found little evidence that voucher programs improve academic outcomes for students; in fact, multiple studies show neutral or even negative effects on student achievement^{23&24}. For students in underfunded districts, losing dollars to voucher programs only deepens inequities and widens opportunity gaps.

19. Irwin, V., De La Rosa, J., Wang, K., Hein, S., Zhang, J., Burr, R., Roberts, A., Barmer, A., Bullock Mann, F., Dilig, R., & Parker, S. (2022). *Report on the Condition of Education 2022* (NCES 2022-144). U.S. Department of Education, National Center for Education Statistics. <https://nces.ed.gov/ipeds/data/nceres/2022/2022144.pdf>
20. Barnett, W. S., Jung, K., Youn, M., & Frede, E. C. (2013). Abbott preschool program longitudinal effects study: Fifth grade follow-up. *New Brunswick, NJ: National Institute for Early Education Research, 10*, 2001-2004.
21. Darling-Hammond, L., Flook, L., Schachner, A., & Wojcikiewicz, S. (2022). Educator Learning to Enact the Science of Learning and Development. *Learning Policy Institute*.
22. Barzillai, M., & Thomson, J. M. (2018). Children learning to read in a digital world. *First Monday*.
23. Carnoy, M. (2017). *School vouchers are not a proven strategy for improving student achievement*. Economic Policy Institute.
24. Dynarski, M., et al. (2017). *Evaluation of the DC Opportunity Scholarship Program: Impacts after One Year*. U.S. Department of Education, Institute of Education Sciences.

Students with Disabilities

It would be remiss not to highlight students with disabilities when discussing literacy equity. The Civil Rights Act (1965) and Education for all Handicapped Children Act (1975), and later, the Individuals with Disabilities Education Act (IDEA) established the legal foundation for inclusive education. These landmark laws guarantee access to learning and support, yet students with disabilities—especially Black and Latino students—remain disproportionately marginalized in both identification and educational outcomes.

Data show that despite IDEA's safeguards, which include, parent participation on the Individualized Education Plan (IEP) team, the right to access educational records, and the ability to provide informed consent for evaluations and services, Black students are still overrepresented in categories such as learning disabilities and emotional disturbance. Black boys, in particular, are disproportionately labeled with these categories, which often results in their removal from general education settings and limits access to rigorous literacy instruction⁴³. This overrepresentation reflects systemic bias, not neurological difference, and is exacerbated in under-resourced schools where early intervention and accurate assessment are lacking²⁵. These patterns are not new, they are connected to the long history of eugenics, in which racialized assumptions about intelligence shaped educational decision-making. Without robust IDEA funding, schools lack the capacity to implement appropriate assessments and interventions that can reduce misidentification and ensure equity in special education services⁴⁴. This historical and systemic overrepresentation underscores the critical importance of federal safeguards and research funding under IDEA, resources that directly support accurate assessment, targeted interventions, and equitable access to literacy and other academic opportunities for students with disabilities.

Cuts to IDEA funding and research would have devastating consequences for students with disabilities and their families. Reductions in resources often translate into larger class sizes, fewer support staff, diminished access to assistive technology, and weakened enforcement of the rights and protections that IDEA guarantees²⁶. While there are overlaps between IDEA services and general literacy instruction, students with disabilities require carefully designed scaffolds such as individualized instructional strategies, evidence-based interventions, and specialized professional development for teachers to fully access literacy learning. Without adequate funding and research investments, schools cannot provide these supports, and literacy instruction for students with disabilities becomes inequitable. Instead of fostering inclusion and closing achievement gaps, cuts would widen disparities, leaving families to shoulder additional burdens and students with disabilities at greater risk of academic marginalization²⁷.

Despite these risks, there are proven, evidence-based instructional strategies that can mitigate the effects of resource shortfalls and ensure that students with disabilities continue to access meaningful literacy learning.

High-Leverage Practices (HLPs) and Evidence-Based Practices (EBPs): The broad category of "students with disabilities" often obscures important differences in learning needs, making it difficult to assert that any single instructional method benefits all students equally. However, research has consistently shown that scaffolded literacy supports are particularly effective for students with specific learning disabilities in reading (e.g., dyslexia), speech and language impairments, and students on the autism spectrum. For example, explicit instruction combined with scaffolded practice such as guided oral reading, structured phonics, and the use of graphic organizers has been found to improve word recognition, reading fluency, and comprehension for students with dyslexia and related reading disorders²⁸. Similarly, scaffolding strategies such as modeling, prompting, and breaking down complex tasks into manageable steps can significantly enhance literacy outcomes for students with speech and language impairments, who often need additional support in vocabulary development and syntax to access grade-level texts²⁹. For students with autism spectrum disorder, scaffolded approaches that integrate visual supports, social narratives, and structured peer interactions have been shown to facilitate both reading comprehension and engagement with text³⁰.

Taken together, these findings suggest that while not all students with disabilities benefit from scaffolding in the same way, targeted and disability-specific scaffolds can substantially reduce barriers to literacy. Without IDEA funding and research to sustain such specialized practices, the inequities in literacy access and achievement among students with disabilities would deepen, further marginalizing groups of learners who already face disproportionate educational challenges³¹.

Efficient, Intervention-Oriented Assessment: Dr. Jack Fletcher and colleagues argue that the most meaningful assessments for students with disabilities focus directly on their academic skills and how they respond to targeted intervention. Rather than relying on static measures of ability, Fletcher emphasizes the value of ongoing, curriculum-based assessments that inform instruction and guide individualized supports. His work on dyslexia, in particular, highlights that early and systematic screening of phonological awareness, word reading, and decoding skills is critical to identifying students at risk and intervening before gaps widen³². By centering assessment on literacy skills rather than ability profiles, schools are better positioned to deliver timely, evidence-based interventions that improve reading outcomes. This approach not only enhances the accuracy of identification but also ensures that supports are responsive to how students actually learn, creating a more equitable pathway for students with disabilities to access literacy instruction³².

Together, these strategies affirm that students with disabilities benefit most when instruction is explicit, personalized, inclusive, and grounded in solid evidence, not when efforts are diluted through broad, underfunded reform or diverted into unaccountable voucher programs.

Cutting support in these areas would not only harm students with disabilities, it would deepen existing racial and economic disparities, undermining the promise of education inclusion that federal law is meant to uphold.

-
25. Terry, N. P., Doss, C., Harris, M., & Marencin, N. (2022). *Disproportionality in special education* (Grantee Submission, *Perspectives on Language and Literacy*, pp. 11–19) [PDF]. ERIC. ED650264. Retrieved from ERIC database
 26. National Council on Disability. (2018). *Broken promises: The underfunding of IDEA*. <https://www.ncd.gov/assets/uploads/docs/ncd-brokenpromises-508.pdf>
 27. Connor, D. J., & Ferri, B. A. (2007). The conflict within: Resistance to inclusion and other paradoxes in special education. *Disability & Society*, 22(1), 63–77.
 28. Snowling, M. J., & Hulme, C. (2020). Annual Research Review: Reading disorders revisited—the critical importance of oral language. *Journal of Child Psychology and Psychiatry*, 61(7), 756–770. <https://doi.org/10.1111/jcpp.13180>
 29. Ehren, B. J., & Murza, K. A. (2019). The role of speech-language pathologists in supporting the literacy development of children with language impairment. *Language, Speech, and Hearing Services in Schools*, 50(4), 589–599. https://doi.org/10.1044/2019_LSHSS-VOIA-18-0145
 30. Whalon, K., Conroy, M., Martinez, J. R., & Werch, B. (2015). School-based peer social intervention for children with autism spectrum disorder on the playground: A randomized trial. *Journal of Autism and Developmental Disorders*, 45(7), 2283–2294. <https://doi.org/10.1007/s10803-015-2365-y>
 31. Miller, E. K., Franco-Jenkins, X., Duncan, J. T., Reynolds Reddi, A., & Ward, C. (2025). Strengthening education through equitable and inclusive evidence-based teaching practices: A scoping review. *Education Sciences*, 15(3), 266.
 32. Vaughn, S., & Fletcher, J. M. (2021). Identifying and teaching students with significant reading problems. *Elementary School Journal*, 121(4), 607–628. <https://doi.org/10.1086/713350>

Federal Interruptions and the Real Costs for Schools

Recent federal actions have had tangible repercussions across New Jersey's public schools. When the administration froze federal education funding this summer, approximately \$162 million, roughly 12.7% of the state's annual federal education budget, was withheld just as the 2025–26 school year began, threatening essential programs such as after-school and summer learning, STEM and technology education, English learner supports, counselor staffing, and teacher training³³. Although Title IV-A funds, about \$32.6 million, were released in mid-July restoring funding for critical services that provided resources for students with special needs, English language learners, community learning centers, teacher training, and adult education³⁵, the delay, created chaos in school operations and underscored how every dollar is vital, especially for districts serving historically marginalized students.

These freezes were apart of a broader federal pause affecting nearly \$6.8 billion nationwide in education funding for programming supporting migratory learners, academic enrichment, adult literacy, teacher recruitment, and more³⁶. The administration also issued an executive order to dismantle or drastically downsize the Department of Education. Nearly half of the ED workforce was also eliminated separate from the executive order, undermining its capacity to enforce civil rights laws, administer IDEA funding, and oversee Title I and other key programs. Together, these actions strain schools serving low-income and marginalized communities at precisely the moment they need stability and support.

Why These Disruptions Matter

These actions illustrate a broader pattern: when public funding and institutional infrastructure face disruption, it's not the affluent districts that suffer, it's the under-resourced, multilingual, rural, and urban schools that serve students furthest from opportunity. Staffing gaps grow, support services stall, and progress toward equity is reversed. Schools lose the ability to respond

to challenges because planning becomes impossible. Programs for students with disabilities, English learners, and students from low-income families hang in the balance.

Our federal system must remain steady, predictable, and just. Schools deserve clarity, not chaos, and all children, regardless of zip code, deserve reliable investment in their education.

- **Strained Budgets and Staffing Nationwide:** In New Jersey during the 2020-2021 school year, federal aid, which includes Titles II, III and IV accounted for just 5.3% of total education revenue, yet that relatively small share, funds essential services in under-resourced districts³⁷. Without these dollars, school boards weighed painful options like layoffs, larger class sizes, and program cuts. This story was not unique to New Jersey. In states like Texas, Georgia, and Florida, districts reported immediate shortfalls in after-school programming and teacher professional development when federal funds were withheld^{38&39}.

- **Deepened Inequities in High-Need Districts:** Urban districts that serve historically marginalized students in NJ rely heavily on Title I and IDEA funds to sustain supports for multilingual learners, students with disabilities, and children in high-poverty schools. The federal freeze risked erasing years of progress in these communities. Similarly, advocates in Michigan expressed concerns that the withholdings of Title I and IDEA dollars could leave them unable to fully staff special education programs and provide services, amplifying inequities for historically marginalized students⁴².

- **Case in Point—Paterson and Beyond:** In Paterson, NJ teacher shortages meant many students could enter classrooms without certified teachers or consistent instructional staff, problems compounded by the funding freeze. Elsewhere, districts scrambled to cover summer learning costs, and Los Angeles USD reported delays in disbursing literacy intervention funding to schools serving high numbers of English learners^{40&45}. These examples highlight how federal disruptions push already-stretched districts closer to crisis.

These federal actions were not abstract: they caused real disruption, when dollars disappeared, programs shut down and students lost support. For marginalized communities, the stakes were highest. These challenges make it clearer than ever: public schools must have stable, predictable federal support, not volatile policy swings or diverted funds through vouchers. Investing in public education, and defending its integrity, is the most reliable path to equity, resilience, and student success.

Under these uncertain conditions, the U.S. Department of Education (ED) and its research arm, the Institute of Education Sciences (IES), are essential. The ED anchors federal commitments in law, resources, and research, ensuring that protections such as civil rights enforcement, Title I funding for low-income schools, and special education supports are applied consistently across all states.

IES, as part of ED, is the nation's engine for rigorous, independent education research. Its work informs teachers, school leaders, and policymakers, providing the evidence needed to make data-driven decisions that strengthen student outcomes. From studies on the long-term benefits of early literacy interventions to research on culturally responsive teaching and its impact on

student engagement, IES generates knowledge that directly shapes effective practice in classrooms nationwide. However, recent federal actions have significantly gutted IES, with nearly \$900 million in proposed cuts, threatening its capacity to fund and sustain research for years to come. These reductions jeopardize ongoing studies and limit the development of new evidence on what works in education, particularly for historically underserved students.

For New Jersey, the stakes are particularly high. Federal guidance and research have helped shape initiatives such as Abbott Preschool, a national model for early childhood education, and supported state efforts to improve bilingual and special education programs. These advances are not accidents of history; they result from sustained federal investment paired with local innovation. Rolling back that investment reduces the capacity to respond to pressing challenges, including literacy decline, shortages of qualified teachers, and inequities in access for Black, Latino, immigrant, and disabled students.

In closing, it is critical to recognize that education is a public good, not a private commodity. Strengthening our public schools strengthens our democracy. Achieving this requires not only proven instructional practices and adequate resources, but also the political will to protect the Department of Education, and the resources of its research arm IES, which hold us accountable to fairness, equity, and truth. Every dollar, every decision, and every act of research matters, they shape the lives of our children and the future of our communities.

-
33. Matthau, D. (2025, July 17). N.J. leaders demand release of federal education funds frozen by the Trump administration. *WHYY*. <https://whyy.org/articles/new-jersey-federal-education-funds-frozen-trump/>
 34. NJ Spotlight News. (2025, July). *Trump administration relents, will unfreeze millions in NJ education funds*. NJ Spotlight News. Retrieved from <https://www.njspotlightnews.org/2025/07/trump-administration-relents-said-will-unfreeze-millions-in-nj-education-funds/>
 35. Lange, J. Jr. (2025, August 27). *NJ secures release of \$158 million in federal education funds for schools*. *Morristown Minute*. Retrieved from <https://morristownminute.town.news/g/morristown-nj/n/333517/nj-secures-release-158-million-federal-education-funds-schools?>
 36. Singh, M. (2025, August 25). *Trump administration to restore \$6.8 bn in education funds after multi-state suit*. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2025/aug/25/trump-administration-education-funding?>
 37. NJ Department of Education. (2025). *Education funding and revenue by source: FY2025 report*. [Data set].
 38. K-12 Dive. (2025). *How will Education Department cuts impact special education?* Retrieved from <https://www.k12dive.com/news/Trump-special-education-education-department-downsizing/743359/>
 39. DiNapoli, M. A. Jr., & Griffith, M. (2025, June 30). *States face uncertainty as an estimated \$6.2 billion in K-12 funding remains unreleased: Here's the fiscal impact by state*. Learning Policy Institute. <https://learningpolicyinstitute.org/blog/states-face-uncertainty-k-12-funding-remains-unreleased>
 40. Urban Institute. (2025). *How dismantling the Education Department could affect disabled students across the U.S.* Retrieved from <https://www.urban.org/urban-wire/how-dismantling-education-department-could-affect-disabled-students-across-us>
 41. InsiderNJ. (2025, Aug. 29). *Attorney General Platkin secures full relief for New Jersey schools in lawsuit challenging withholding of education funding*. Retrieved from <https://www.njspotlightnews.org/2025/07/trump-administration-relents-said-will-unfreeze-millions-in-nj-education-funds/>
 42. King, J. (2025, February 11). *State superintendent among Michigan advocates condemning Trump threat to ax Dept. of Education*. *Michigan Advance* <https://michiganadvance.com/2025/02/11/state-superintendent-among-michigan-advocates-condemning-trump-threat-to-ax-dept-of-education/>
 43. Harry, B., & Klingner, J. (2014). *Why are so many minority students in special education? Understanding race & disability in schools* (2nd ed.). Teachers College Press.
 44. Skiba, R. J., Artiles, A. J., Kozleski, E. B., Losen, D. J., & Harry, E. G. (2016). Risks and consequences of oversimplifying educational inequities: A response to Morgan et al. (2015). *Educational Researcher*, 45(3), 221–225. <https://doi.org/10.3102/0013189X16644606>
 45. Dale, M. (2025, July 1). *LAUSD to lose millions for English language learners, after-school programs after Trump admin withholds funds*. *LAist*. <https://laist.com/news/education/trump-administration-funding-cuts-education-lauid-california>

Chairman KILEY. Thank you very much. I will last recognize Dr. Harrison for your testimony.

**STATEMENT OF DR. BRENT HARRISON, SUPERINTENDENT,
SARALAND CITY SCHOOLS, SARALAND, ALABAMA**

Mr. HARRISON. Good morning, and thank you for allowing me to be here today. My name is Brent Harrison, and I am honored to serve as a Superintendent of the Saraland City Schools in Saraland, Alabama. Saraland City schools opened in 2008 with just over 1,500 students.

Today we serve approximately 3,400 students, a 126 percent increase in enrollment over that time. Our student body is 73 percent white, 17 percent African American, and over half qualify for free or reduced lunch. Despite these socioeconomic challenges, Saraland consistently ranks among the highest performing districts in the State of Alabama.

On the Alabama Comprehensive Assessment Program, which is our State accountability testing component, our students excel in English language arts, math, and science. Over the past several years, we have remained in the top ten statewide in all three subjects, as far as proficiency.

In 2025, we ranked fifth in ELA, sixth in science, and seventh in math. These results are especially meaningful when you consider that our students are being compared to peers and communities around the State of Alabama, with median home prices nearly 1 million dollars and household incomes of \$300,000 a year.

In Saraland, the median home income price is around \$230,000. The average household income is \$60,000. We attribute our success to a strong school culture, strategic curriculum choices made by the State of Alabama, and a relentless focus on data.

During the Covid-19 pandemic, Saraland was one of the first districts to reopen in August 2020, and we did not miss a single day of in person instruction. Our blue-collar community showed up, and our students thrived. In our minds, our return to school and the classrooms led to a minimum learning losses across the board.

In literacy, we follow the Alabama Literacy Act, which mandates proficiency on the ACAP reading subtest for third grade promotion. We use Phonics First, an Orton-Gillingham based program aligned with the science of reading. It supports Tier 1 instruction and provides targeted interventions for struggling students.

Last year, only 5 of our 262 third graders did not meet proficiency. All of whom had IEPs or Individualized Education Plans and were already receiving support. In math, we emphasize fluency and automaticity through tools like reflex math and a spiraling approach that revisits concepts throughout the school year.

This builds deep understanding and problem-solving skills for our students for the year to come and in years to come, throughout their education. Our greatest gains come from how we approach Tier 2 and Tier 3 instruction. Instead of reteaching current material, we use data to identify and close foundational skill gaps. This targeted approach continues until students are ready to succeed in Tier 1 instruction.

At Saraland City Schools we eat, sleep, and breathe data. It drives every decision we make. Combined with our strong cur-

riculum and proven instructional practices, our data driven culture is what sets us apart. Not for the accolades, but because it is what is best for children.

Thank you again for allowing me to share our story. It is an honor to represent a district that proves excellence is possible regardless of zip code. Thank you.

[The prepared statement of Dr. Harrison follows:]

Good morning,

My name is Brent Harrison, and I am the Superintendent of Saraland City Schools in Saraland, Alabama. Saraland City Schools is a relatively young district, having opened its doors in 2008 with approximately 1,500 students. Today, we serve around 3,400 students—representing more than a 126% increase in enrollment since our inception.

Of our current student population, 73% are White, 17% are African American, and the remainder identify as Native American or two or more races. Over 53% of our students qualify for free or reduced lunch.

Despite these socioeconomic challenges, Saraland City Schools has consistently ranked among the highest-performing districts in Alabama on both state and federal report cards. Our students excel in the Alabama Comprehensive Assessment Program (ACAP) in English Language Arts, Math, and Science. We are proud to be the top-performing district in the state relative to our poverty level. Our state rankings for the past four years for on the ACAP are as follows:

2022 – Math: 4th highest

English Language Arts: 6th highest

Science: 5th highest

2023 – English Language Arts: 3rd highest

Math: 5th highest

Science: 7th highest

2024 – English Language Arts: 5th highest

Math: 5th highest

Science: 8th highest

2025 – English Language Arts: 5th highest

Science: 6th highest

Math: 7th highest

Our students are being compared every year to those in communities where median home prices begin at \$987,000 and average household incomes reach \$302,000 annually. In contrast, Saraland’s median home price is \$231,000, and the average household income is \$60,000. We take great pride in these accomplishments.

While I've been asked to speak today about educational laws and curriculum in Alabama, I wanted to first provide context about the district I am honored to represent. Saraland is a blue-collar community, which I believe contributed to the minimal learning loss we experienced during the COVID-19 shutdown and reopening. Saraland City Schools was one of the first districts in the state to reopen in August 2020, and I'm proud to say we did not miss a single day once we resumed in-person instruction. Our students and faculty performed exceptionally well during this time.

Beyond our strong culture, we attribute much of our success to the curriculum we use and the impact of recent legislation. The Alabama Literacy Act of 2019 established the Science of Reading as the state-approved curriculum and introduced a summative assessment for third grade. Students must demonstrate proficiency on the ACAP Reading subtest to advance to fourth grade. Saraland City Schools uses Phonics First, an Orton-Gillingham-based program that aligns explicitly with the Science of Reading. It emphasizes phonological and phonemic awareness, systematic and explicit phonics, decoding and encoding, cumulative review, decodable texts, and multisensory instruction. This approach supports both Tier 1 instruction and interventions for struggling students in Tiers 2 and 3. Last year, only five of our 262 third-grade students did not meet proficiency on the ACAP Reading subtest—all of whom had already been identified with significant learning disabilities and had Individualized Education Plans (IEPs).

In Math, our teachers focus on building automaticity and fluency with math facts and concepts. While we have moved away from rote memorization, we use engaging tools like Reflex Math, a computer-based program that reinforces math facts through interactive games. This keeps students engaged and supports learning outside the classroom. Another key strategy we use is spiraling—introducing math concepts at a basic level and gradually increasing complexity over time. This allows students to revisit concepts throughout the year, deepening their understanding and building true math fluency: the ability to use math fact knowledge to select appropriate strategies for problem-solving.

Our greatest gains, however, come from how we approach Tier 2 and Tier 3 instruction. Unlike many schools that focus on reteaching current material, we use formative and summative assessment data to identify and address foundational skill gaps in reading and math. This targeted approach continues until the data shows the student is ready to succeed with Tier 1 instruction alone.

At Saraland City Schools, we eat, sleep, and breathe data. It drives every decision we make for our students. We've built systems to constantly review and analyze every piece of data available to us. Combined with strong curriculum and proven instructional practices, our

data-driven culture is what sets us apart. We believe in this process not for the accolades, but because it is what's best for children.

Thank you for having me today. It is truly an honor and privilege.

Brent Harrison

Chairman KILEY. Thank you very much. Under Committee Rule 9, we will now question witnesses under the 5-minute rule, and I will first recognize the Chairman of the Full Committee the representative from Michigan, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman, and thanks to the witnesses for being here, and demonstrating that education can take place and could take place well at the local and state level with control there. That goes right to classroom as was pointed out by Dr. Brumley, the teacher and the parent working together for the students' best interest, thank you.

Dr. Brumley, one of the focuses of the Committee this year has been dismantling the Department of Education, and I do not back away from that. A trillion dollars spent since 1980 and our test scores going down. Failure taking place until individual attempts like your schools in your districts, your states deciding this is not acceptable.

As I am sure you would agree, education is fundamentally a state and local issue, and we have seen democratic administrations use the department to abuse their power and pressure states into adopting woke policies that do not work. As a state leader, how would it make your job easier to have less Federal micromanagement, Dr. Brumley?

Mr. BRUMLEY. Yes, sir. Thank you for the question. First and foremost, I too support dismantling the U.S. Department of Education. I tend to think that educational decisions are best made by moms and dads working with local teachers and local systems on what makes the most sense for their children and their community.

Mr. WALBERG. I love those kids.

Mr. BRUMLEY. As I have previously shared with the administration, if one believes that education is a state's rights issue, such that I believe, then the administration has to also respect that states may approach education in different ways, from Washington State to Louisiana, from Texas to Vermont. I think that is okay and that is good.

I appreciate President Trump and Secretary McMahon working to dismantle that particular agency. I understand it takes an act of Congress, so to speak, to get that done, but anything that they can do to further empower states to remove some of the excessive bureaucracies, some of the unnecessary strings attached to funding, which are taxpayer dollars that come into the states, and to elevate the parent.

We appreciate that. We think that is good, and so, our agency at the Louisiana Department of Education, we stand ready. We have a Governor in the State of Louisiana that is education focused, in Governor Landry.

We have the State Legislator that is working alongside us. We have the State board of Education that is working alongside of us, and so we have a streamlined approach.

We think policymakers in the State of Louisiana, along with moms and dads, can make good decisions without bureaucrats in D.C. getting in our way.

Mr. WALBERG. Thank you. Thank you. Ms. Roughton, in your testimony you mentioned the NAEP scores, which are concerning to say the least. For me, as I look at Michigan, terrible NAEP scores. Can you talk about the implications that having so many children unable to read, and how this impacts their futures as well as their present?

Ms. ROUGHTON. Yes. Thank you for the question. Literacy is a gateway skill, as shared in some of the testimony this afternoon. If we cannot read, we cannot unlock and access learning from all other subjects.

If we think about math, we are not able to solve math word problems. If I am not reading, and I do not have reading comprehension, and I am in high school, I cannot read a drama script and fully embody and play my role correctly.

If I am a tradesman, I need to be able to read safety codes and warranties and manuals. Without focusing on primary skills, foundational literacy in the early years, K2, where children need it the most, we are just limiting access to education, and I am sorry, the second part to your question, Mr. Walberg?

Mr. WALBERG. That was the key part, yes.

Ms. ROUGHTON. Thank you.

Mr. WALBERG. Thank you, and you addressed it, limiting—limiting the opportunity for students who cannot read. Thank you. Dr. Harrison, Alabama in 2019 passed a law requiring schools to use the science of reading. How important is it to a person like yourself to have the State Legislature enact laws that encourage that type of action?

Mr. HARRISON. For Alabama, for us as a school district in Alabama, it is very important because across the State we are a very transient district, meaning we do have a lot of students that do transfer in from around our local surrounding areas.

Having a State curriculum, knowing that students within the State of Alabama are all following the science of reading curriculum throughout the State, helps us pinpoint where that student should be coming into us, where we should be able to meet them, and we try to meet every student where they are, and help them create and grow and go from there.

It is vital for us in our State that we all are on the same page of sheet music, so to speak, and are all following the science of reading. Again, it is pivotal for us because we know each step, each classroom you go in, you are able to see each teacher following the different steps of science of reading day in and day out from one classroom to the next.

Mr. WALBERG. Thank you. I yield back.

Chairman KILEY. Ranking Member Bonamici, the Representative from Oregon is recognized.

Ms. BONAMICI. Thank you, Mr. Chairman, and thanks to the witnesses. Just a reminder in response to the Chairman's question

that curriculum decisions are made by State and local governments. They are not made by Congress, but where Congress does make a difference, you know, we have heard a lot about the teacher preparation, having educators who are skilled in this literacy issue, that is Title II, low-income students, the additional resources that help them, that is Title I. That is where the Federal dollars come in, it is not in setting curriculum.

You know, we can all acknowledge as have the NAEP scores are not where we would like them to be, especially for the most disadvantaged students, and we might even agree on some of the reasons, Covid, screen time, where we disagree is on the solutions, and cutting Federal funding and research for K-12 education is not the answer.

Now, earlier this year the Trump administration cut nearly 900 million dollars in educational research, contracts at the Institute of Education Sciences, including contracts for long-term studies that would have produced data on how to best help students learn.

Dr. Wingfield, a significant part of this canceled research related to students in elementary and secondary schools, but why is the IES data important, and what will these cuts means?

Ms. WINGFIELD. Yes, so thank you for that question. I would like to start by stating that we all referenced NAEP scores, which are all funded, which are funded by the research from IES. IES is a research arm of the Department of Education, so we are all referencing these points, this data that is funded by what we are talking about cutting funds from, but we all use that data to inform our practice.

Ms. BONAMICI. Right.

Ms. WINGFIELD. IES funds practice and policy, and without that in place, we are going to be making uninformed decisions. In addition to that, we also talked about multitiered, some of the practices that we talked about IES also funds that. These multi-tier practices that have been extremely helpful to move the scores forward in Alabama continuously are funded by IES to continuously improve those practices as well.

It will be harmful, not just to those disadvantaged students, but to all students, we are taking away these datapoints that we used to inform us.

Ms. BONAMICI. We do not really know what would happen to IES if the Department of Education is abolished. What happens to Title I? What happens to IDEA? What happens to the educational research?

Dr. Wingfield, this year's NAEP scores, as I discussed, have more socioeconomic information than previous years, showing that 77 percent of wealthier students scored above average, but only 34 percent of low-income students. What should we learn from that?

Ms. WINGFIELD. Yes. I think that is an indication of what I talked about earlier. Literacy practices and access to quality education has not always been easily accessible to both students of diverse backgrounds, and students of lower socioeconomics. What we really need to make a greater investment on is one, cultural practices and teacher education.

Teacher education is largely white women, and our student population is largely students of diverse backgrounds. What investment

can we make in making sure that we are not just educating our educators on evidence-based practices, but learning how to bridge those connections between home and school.

Ms. BONAMICI. How important are programs like McKinney Vento, that helps homeless students, or school nutrition programs that make sure that students have full bellies when they are trying to learn.

Ms. WINGFIELD. Incredibly because you cannot learn without stable housing or food.

Ms. BONAMICI. Well, in my final couple minute or so, you know, a few months ago the republicans passed this reconciliation, Big Ugly Bill that includes the first nationwide K-12 school voucher program that will divert resources away from public schools that serve more than 90 percent of students.

How will diverting the funds away from public schools affect reading and math instruction in the public schools for 90 percent of students?

Ms. WINGFIELD. It will kill the resources that are in place to help our highest need students, so we are losing programs. It will affect capacity as well, so losing teachers and staff that will support these programs that help move these students along.

Ms. BONAMICI. Yes, I would just submit in the remaining time that these are not easy issues to deal with, and we have to have a more comprehensive conversation about what these test scores mean, and I think that is one of the purposes of this hearing today. As I mentioned in the opening statement, there is a lot happening with students, with mental health concerns, with gun violence, with ICE raids, there is a lot on students' minds right now.

Until we address those underlying issues we are not going to comprehensively solve this issue, and again, I appreciate this hearing, but Congress does not set curriculum, and what we really need is the research, and that is what is being cut. I yield back. Thank you, Mr. Chairman.

Chairman KILEY. I will now recognize myself for 5 minutes. Ms. Roughton, I found your testimony very compelling when it came to how brain science ought to inform proper literacy instruction.

It seems to me the fallacy of some of these discredited approaches, like whole language or three cueism, or whatever we want to call it, is that it assumes that students can learn literacy or written language sort of in the same way they learn spoken language, kind of by osmosis.

That, as you explained, that is not true because the brain is hard wired to acquire oral language skills, and to generalize from limited inputs in a way that is not true when it comes to written language. Could you just yes, tell us a little bit more about the problems with these alternative approaches that have been in vogue for too long?

Ms. ROUGHTON. Yes, absolutely. Thank you Mr. Chairman. As you have shared, approaches like balanced literacy and the three cuing just came out of this incorrect belief that children learn how to read naturally. If we could just fill our classrooms with books and have a word rich environment, that children would just pick up reading effortlessly.

We now know and have known since the National Reading Panel published the Science of Reading in 2000, that this is not accurate. That the brain is not wired to learn how to read and it has to be explicitly taught in our schools. The danger of districts and schools that are still utilizing these outdated practices, like three cuing and balanced literacy, is that we are promoting guessing.

If I could give you an example in a kindergarten class. A kindergarten class that is still using balanced literacy might be doing a read aloud, and the sentence is that the baby is and there is an unfamiliar word. The teacher might instruct the students to guess what this word could be looking at contextual clues or looking at the picture.

If the picture was a baby sleeping, a child might guess sleeping. What if the word was actually napping, dreaming, resting, so if I focused on phonics and foundational skills, I could have my students decode and sound out that word, understanding that N begins with na, napp, napping, and we could sound it out.

What we see, the aftermath of this is children that have been guessing in the primary grades where they should have been focused on foundational learning, is we have these widened gaps in comprehension, whereas text gets harder in third grade and above. Guessing strategies just completely fall apart.

This is particularly true for our students that are at risk for students that have learning differences.

Chairman KILEY. Fortunately, we have seen a return to the foundational skills, as the primary method, at least in the laws of many states. Could you tell us a little bit more about what that entails? I think everyone is familiar with phonics, but it is more than just that, right?

Ms. ROUGHTON. Yes. Phonics is certainly essential and critical, but the science of reading actually outlines five pillars, phonics being one. I would like to share that we want to think about these pillars as pieces of a rope, and they all need to be intertwined and working together for true reading success.

Phonics is a critical component, but we must also be developing phonological awareness, rhyming, doing syllables, changing the smallest unit of sound. We call it a phoning. Changing beginning, middle, ending sounds of words, while we are doing this and teaching letters sound correspondence or phonics, we also need to be building academic vocabulary.

In a kindergarten class, I might be learning how to decode simple words like sun and mat, but I also need to be introduced to high level vocabulary, like ecosystems, perseverance, what do these words mean? Then through that I need to be putting sounds together to read words, words together to read sentences, to build fluency, to develop automaticity.

Then when those four pillars come in hand, I need less brain power as a child to decode, and now I can make that shift to focusing on the fifth pillar, which is comprehension. They all need to be working together for our children to have true literacy success.

Chairman KILEY. Finally, I know that your organization has been very successful when it comes to teacher training, so could you just expound a little on how critical it is that teachers have the tools for proper literacy instruction?

Ms. ROUGHTON. Yes, absolutely. I think supporting our teachers is so essential, and it is not just giving them a one stop shop training. It is ongoing and continuous support, where teachers are looking at their classroom data and assessments and making those informed decisions.

We know that we cannot just give teachers great resources, you know, those resources just can sit on a shelf and get dusty. If we want them to use, especially new resources that they might be unfamiliar with, we have to give them that training and support to go with it.

Chairman KILEY. Thank you very much, and as you have said in your introduction, we know what works, and so now the task is just to make sure that every child in this country has access to the instruction that we now does work.

I will now recognize the Representative from Pennsylvania, Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman. It should go without being said that children need to have quality reading and math instruction. We need to invest in these skills. That said, we also cannot keep asking schools, educators, children and families to do more with less.

This Committee is asking schools to improve math and reading schools, while the Department of Education is being dismantled, while schools are dealing with ongoing disruptions from this administration, unexpectantly cutting and freezing funding for educational programs, while teachers face the impossible choice between a profession that they love, and earning a dignified wage that would allow them to actually pay back their insurmountable student loan debt.

While children have to sit in increasingly hot classrooms with worsening air quality, and no HVAC systems, or while parents have to drop their kids off fearing that ICE might be there waiting to separate them, or while students and staff have to walk into school every morning wondering if their school will be the next target of a mass shooting.

If you want to support children's math and reading, we need to make sure that they have safe, well-resourced learning environments. Just last night, republican appropriators in the House voted to slash 12 billion dollars from the Department of Education's budget, including cutting about 5 billion dollars from Title I funding, almost a 30 percent decrease.

Title I funds provided instructional support, enrichment activities, math and reading interventions, and so much more to school districts that do not have the luxury of millions of dollars in a property tax base revenue. Dr. Brumley, we appreciate you being here to share Louisiana's story with NAEP scores and other successes.

Are you able to share how much Title I-A funding Louisiana received for Fiscal Year 24 and 25?

Mr. BRUMLEY. Yes, ma'am. We received roughly 400 million dollars.

Ms. LEE. Just yes or no, do you think Title I and other Federal funding for things like reading specialists, math interventionist, contributed to Louisiana's improvement in NAEP scores?

Mr. BRUMLEY. I think we have used all of our funding sources very well in a strategy to get better results for kids.

Ms. LEE. Certainly, and those ones specifically that they contribute?

Mr. BRUMLEY. I think we have used all of our sources very well.

Ms. LEE. Yes. Given that the administration is proposing a 15 percent cut to Federal education funding, bringing investment levels back to those of 2010, what steps is Louisiana prepared to take to protect students' learning if that funding is reduced, particularly in districts that rely heavily on Federal support?

Mr. BRUMLEY. Yes, so we are already engaged in academic return on investment procedures, and we have asked local systems to do the same. We want to make sure that we are focused on initiatives that matter most in that pursuit of academic excellence, and teaching kids to read and do math.

Ms. LEE. Does that imply that there might be cuts?

Mr. BRUMLEY. You know, we just received this information this morning, so obviously we would work with the administration, we would work with the Secretary to learn more about the impacts of said cuts.

Ms. LEE. Thank you. We know that State budgets are not equipped to make up the educational funding shortfall that this administration is proposing. It is past time to abandon the playbook where the Federal Government removes the resources children need to succeed, and then pushes them, or punishes them for failing systems.

Dr. Wingfield, in your testimony you highlighted that differences in race, income, and geography continue to shape who has access to high-quality instruction, and who bears the burden when systems fail. Briefly, why is literacy instruction an equity and a civil rights issue?

Ms. WINGFIELD. Having access to the strong literacy of being literate within our society allows for economic and economic mobility and stability in communities that are more literate, are more civically engaged, and they also make better choices when it comes to the health and well-being.

Ms. LEE. Thank you. Your testimony also highlights the long history of racialized assumptions about intelligence that I can only assume are implicit in the types of instructions some folks want to reclaim.

Given this history, can you explain why inclusive and culturally relevant curriculums are beneficial, and why it is important, for example, for black students to see themselves centered in stories when they are learning to read?

Ms. WINGFIELD. Absolutely. We need to create environments that are affirming and safe for students, all students, especially black students, Latino students, students with disabilities, to feel affirmed and safe within their spaces, so that they can take the educational risks that are appropriate for learning in classroom settings.

We also need to create environments for those students that do not create erasure. They should be able to see themselves reflected back in that curriculum, through language and just possibilities for themselves outside of the school system. We also have to ensure

that the different varieties of culture and language that students are not coming to school with are being perceived as in the biased way from the schoolteachers, leading to the way in which they instruct their students.

I just want to add one key point. I think it is commendable the growth that Louisiana has made in their reading scores, but if we were to disaggregate that data, and look specifically at black students, you will still see an overwhelming gap in the reading proficiency.

We can talk about the science of reading, which is incredibly helpful, and it does truly inform, and data truly informs instruction in classrooms, but we cannot ignore race when we are talking about literacy because not all students are experiencing it, or accessing it in the same way.

Ms. LEE. Thank you. I agree, and I appreciate your testimony. Thank you all so much for joining us today and I yield back.

Chairman KILEY. Representative Owens of Utah is recognized.

Mr. OWENS. Thank you so much for this. Let us just start off with one fact. Our system has failed our kids for decades. Decades. It is interesting that as we are trying to get it fixed up, we have people who just do not want to change. Let me just kind of go back to 2017 when 75 percent of the black boys in the State of California were found to be illiterate. Here in D.C., zero proficiency in math.

We just had—the study just came out that 70—64 percent of our kids across the country in eighth grade cannot read and write. No, it is time to change, and it is time to change with innovation with bills that are at the table here looking at ways to get that done.

I did a little AI stuff here, and I wanted to tie in ignorant and free could never be was one of the foundations of our country to make sure we were always presenting the smartest case in the country in the world.

This is AI, is ignorance the lack of critical thinking skills? Ignorance is primarily the lack of knowledge. It can be also stemmed from a lack of critical thinking skills, especially when critical thinking processes are inefficient. Is there a link between math and critical thinking? Yes.

By the way, we are failing our kids in math. Yes, critical thinking is strongly linked to mathematics, as math inherently requires analytical skills, logical reasoning, and problem solving. Is critical thinking tied into reading? Yes.

There are strong, established links between reading and critical thinking skills with reading acting as a powerful tool for developing of abilities by improving comprehension and analysis and evaluation of information. That being said, we need to bring this process back to where we are getting our kids to think again.

Dr. Brumley, first of all good seeing you again. You mentioned in your Let Teachers Teach Initiative, you said that teachers deserve efficient, effective school leaders who reduce distractions, and have a conversation. I agree with the compensation particularly is based on merit.

How is your State addressing these issues, and what is the effect on the academic results?

Mr. BRUMLEY. The fact that we have moved from 49th in the country on the Nation's report card to 32d today, and number 16

on fourth grade literacy, is a testament to the teachers. Roughly three or 4 years ago, we had about 2,500 teaching vacancies in our State, now we have got about 1,000.

That has to do with smart policies enacted at the State and locals doing really good work. We have used differentiated compensation to pay teachers more in high need areas, to pay teachers more for outstanding results with kids learning. We have kicked off our Let Teachers Teach Initiative, which removes distractions from the classroom, removes excessive trainings for teachers.

It removes bureaucracy that is burdening them every single day. We believe that there is nothing more important. We fundamentally believe that there is nothing more important than the parent for the child's success, but after that, No. 1 is the teacher. If we can make sure that every classroom in the State of Louisiana is equipped with a high-quality teacher, we will get great results.

Unfortunately, teachers are telling kids, do not go in the teaching profession, and that is a shame. I think that we can correct that, and we are correcting that in the State of Louisiana with our Let Teachers Teach Initiative, which is further empowering and elevating that profession.

Mr. OWENS. Does this impact black kids and white kids together, in terms of the strategies. Is there any difference in how this is being accepted in the success of it?

Mr. BRUMLEY. What we see when we look at our NAEP results is that Louisiana is outperforming relative states across the country in those reading and math scores, and 73 percent of the students in our traditional public schools in the State of Louisiana we consider economically disadvantaged.

When we are talking about growth from 50th in reading in 2019 to 16th today, those are all students. Those are economically disadvantaged students. Those are students with disabilities, those are black and brown students. We are just trying to focus on the merit of this work and really having a laser focus on the pursuit of academic excellence every single day in our classrooms.

Mr. OWENS. Okay. Ms. Roughton, I am impressed with the evidence of the science of reading. What advice would you give to teachers who want to teach reading effectively but are not getting much support yet from their school leadership?

Ms. ROUGHTON. Thank you for the question. I think the best advice I could give teachers is lean on the evidence. I mean the teacher is so powerful in his or her own classroom, and there is a lot that we can do, even if an administrator or district has not adopted the science of reading, to bring structured literacy into our own practice.

Things like just focusing on phonics and letter sounds, and if the teacher—teachers should feel confident to be advocates, you know. We cannot argue the data, and I would encourage teachers to invite principals into their own classroom, observe a science and reading lesson, and just kind of use that as the force to push this forward at their own site.

Mr. OWENS. Thank you. Thank you for your innovation, appreciate that. I yield back.

Chairman KILEY. Representative Adams of North Carolina is recognized.

Ms. ADAMS. Thank you, Mr. Chairman, and I thank the witnesses for being here today. Reading and math are the foundations, and they open every other door. If a child cannot read by third grade, their chances of graduating on time plummet. If they cannot master basic pathway, a pathway into today's workforce narrows.

I know this, not just from the research, but from more than 40 years in the classroom. I have seen students thrive when they get the right support early. I have seen what happens when they do not. The nation's report card shows sharp declines in both reading and math, especially after the pandemic.

The students suffering most are the ones who were already struggling, low-income students, English learners, and students with disabilities. What makes this worse is that we know what works. Teacher training, early intervention, high-quality curriculum and strong public schools. Instead of investing in what works, the Trump administration has cut it away, canceling 600 million dollars in teacher training grants.

Their new budget proposes eliminating training altogether. You know, you cannot reclaim reading and math while cutting teachers off at the knees. Teachers are not the problem. Teachers are the solution, but they need tools, they need training and the support to do their jobs.

Dr. Wingfield, welcome, and thank you for your testimony. I grew up in Newark. I am very familiar with Rutgers, the State university. I graduated from high school there at West Side. First, as a former college professor myself, I know that teachers are the heart of students' success, but I also know that they cannot do it alone.

Can you tell us why teacher training is so integral to helping students learn to read and to do math, and what impact will eliminating Federal teaching training funds have on classrooms and students?

Ms. WINGFIELD. Absolutely, thank you. The same way learning to read does not come by osmosis, neither does learning to teach children how to read. It is a process. It is very structured. Again, I think we all agree that the science of reading is a very valid practice, but it requires that you learn it, again talking about language variations.

Us as the leaders or educators in those spaces also have language variations, and so our goal is to teach young people how to match sounds with letters, so that they could potentially decode words on pieces of paper, but we need explicit training to be able to do that.

Talking about literacy as a priority, and then turning around and cutting the funding that supports it, undermines that effort altogether because teachers need that explicit training in the same ways as students need that explicit instruction in order for it to be successful.

Ms. ADAMS. Thank you. It is kind of hypocritical too I think but thank you. Let me turn to another point. The administration says that it wants to prioritize evidence-based literacy through discre-

tionary funds, but at the same time it has a cut or proposed eliminating comprehensive literacy development grants and innovative approaches to literacy.

Programs that already help students and families every day. Do you have concerns about cutting these existing literacy programs, even as the administration claims, claims to support evidence-based approaches?

Ms. WINGFIELD. Absolutely, it is very concerning. Again, we have many vulnerable populations that will continue to suffer, and not be able to advance and make any progress in their literacy proficiency. That harms communities overall, it impacts the well-being of communities as a whole when we do not have the resources in place to be able to support students in learning how to read.

That is—our demographics are also changing, so groups of people who are acquiring English, you know, people who are learning to read over time won't be able to make the economic mobility that's needed to sustain healthy communities.

Ms. ADAMS. Okay, thank you. We also know that the gaps are widest for students who are already behind, so Dr. Windfield, how can the Federal Government best support schools in closing these literacy and math gaps so that the children in poverty, English learners and students with disabilities don't continue to fall further behind?

Ms. WINGFIELD. Well, I would say stop cutting the funding and freezing the funding that creates chaos within these vulnerable communities who rely on every dollar to create programming that addresses these issues with our young people within our schools. It is also really important for IES to be able to maintain its capacity, again, because a lot of the research that comes out of IES, it forms the practices that are happening within the schools.

We also use that data to have targeted programing for students at need.

Ms. ADAMS. Thank you. Well said. I yield back, Mr. Chairman.

Chairman KILEY. Representative Miller of Illinois is recognized.

Mrs. MILLER. Thank you, Chairman Kiley, for hosting this hearing, and for the witnesses for attending. I am a mom of 7, grandma of 23, I started my career in public school. I am deeply passionate that our children can learn basic skills and learn to read. A child that cannot read has been damaged for life.

I think that my friends on the other side are trying to turn this into a discussion about race again. Reading and math are foundational to childhood development; however, the United States is facing an unprecedented crisis as large portions of our population are functionally illiterate and cannot perform basic arithmetic.

This is happening all over the country, all over Illinois, but it is epidemic in Chicago where our brown and black children live, and the schools are failing them, and we are spending so much money. In fact, there is a school in Chicago that spends \$94,000 a year to educate the children, and not one student is proficient in reading.

In 2024, only 30 percent of Illinois' fourth graders met or exceeded reading proficiency. Also, in 2024, only 38 percent of Illinois fourth graders met or exceeded math proficiency. Illiteracy and in-

ability to do arithmetic contribute to larger problems, as children become teenagers and eventually adults.

In Illinois, high school dropouts are three and a half times more likely to be arrested than high school graduates. Millions of Americans cannot even perform basic tasks like making a budget. Lack of reading and math proficiency puts tremendous strain on the economy, as billions of dollars are lost each year through decreased productivity and workforce inefficiencies.

More than that, God created these individuals to be productive with their life. Now, we have allowed them to be damaged. They cannot read. I cannot imagine trying to get through life not being able to read.

According to the Bureau of Labor Statistics, the U.S. will need 1 million additional STEM professionally for the next decade, but despite all this grim news, it is encouraging to see states like Alabama, Louisiana and Mississippi, leading the way in transforming their schools and climbing to the top tiers in reading and math proficiency within a matter of years.

Dr. Brumley, in your written testimony you State that children belong to parents, not the government, with which I wholeheartedly agree. Could you talk more about the vital role that parents play in their children's education, and what you are specifically doing in Louisiana to make sure parents are included?

Mr. BRUMLEY. Yes, thank you so much. First and foremost, I would say that we have an incredible opportunity before us today to simply narrow the focus and teach kids to read and to do math. You know, schools have been asked to do too much for way too long. They have been asked to take the place of the family, take the place of the church, take the place of the hospital., take the place of the supermarket.

They were never ordained to do those things. Schools should be focused on the pursuit of academy excellence with the kids under their care every single day. One of our foundational beliefs is to accelerate parental rights.

Anything that we can do to put parents in the driver seat, whether that is choosing the school that makes the most sense, whether that is making sure that they are making healthcare decisions for their child, not the school

Whether that is making sure there is transparency in curriculum. All of those things are very important, and they have been welcomed by the parents in the State of Louisiana. We have an opportunity before us today to make sure that states across the country are being more welcoming to parents and their schools.

Mrs. MILLER. Absolutely. Ms. Roughton, it is refreshing to see the science of reading standards returning to schools in states like Alabama, Louisiana, and Mississippi, and the results they are yielding. Are other states implementing these standards, and are they seeing similar results?

Ms. ROUGHTON. Thank you for your question. Yes. I am confident, and the data tells us that more and more states are adopting the science of reading, and the data is speaking those stories and telling the truth of how effective it is. I can speak about my home State, California, where we just recently passed an assembly bill that had unanimous bipartisan support.

That was all focused on getting mandatory screeners for K2, so we could assess students and provide early interventions. It was about providing quality professional development to support our teachers and getting evidence-based reading instructional materials in our classrooms.

Mrs. MILLER. I appreciate y'all's testimoneys. I think we recognize that we have a problem that you are giving us workable solutions. Thank you so much.

Chairman KILEY. Representative Hayes of Connecticut is recognized.

Mrs. HAYES. Thank you. I first want to start by saying that it is not the focus of democrats on this Committee to dismantle the Department of Education. It is not the role of the Federal Government to write curriculum or develop instructional materials for the classroom. I do not think anyone would want that.

Our role is to support State and local efforts in adapting policies and laws that promote effective literacy practices. Ultimately, states and local school districts are the ones that determine how literacy programs are created and implemented, not Congress, not this Committee, yet we are here.

I just want to mention that Mr. Brumley, you did reference the NAEP's data, and Louisiana's progress, but I would encourage everyone to disaggregate that data a little more, and you will see that white students are the ones who experience the largest gains, which demonstrates that access to these opportunities still exist.

The Elementary and Secondary Education Act requires that states that receive Title IA funds to teach and assess reading skills, language arts, mathematics and sciences for specific grade levels. There are also other programs, such as Title II teacher preparation that provide funding to help improve student academic achievements in reading and writing.

This testimony from the witnesses is probably the best case for funding Title I and II programs at the Department of Education. ESSA does not dictate how subject matter should be taught, but I can tell you as a classroom teacher, I know that direct instruction is effective for foundational skills but not for developing deeper conceptual knowledge.

Longterm and sustained Federal investments in our schools, particularly in our teachers, is crucial to addressing the learning gaps in this country. Teacher preparation, licensure standards, professional development, and in service are all critical to addressing the learning gaps in this country.

The actions of this administration do not focus on literacy. The ongoing dismantling of the Department of Education and efforts to defund K-12 education programs will have a negative impact on the ability of schools to teach and students to learn.

For example, the cancellation of 900 million dollars in contracts at the Institution of Education Sciences, including research on literacy, and the elimination of ESSA Title II funding for teacher preparation will actively harm the development and implementation of literacy programs.

Ms. Roughton, I am happy that my republican colleagues have invited you here because every word of your testimony illuminates the need for early childhood education, so that students can learn

letter recognition and letter sounds. All of those things that are foundational for when they actually begin kindergarten, so thank you for all of your words today.

Ms. Wingfield, Dr. Wingfield, I am sorry, my question is to you. Can you speak to some of the best practices that State and local school districts can use to achieve better literacy outcomes, and how these evidence-based models are actually working?

Ms. WINGFIELD. I would like to say again, I think that is one point that many of us agree on. We, in fact, agree on the science of reading. We agree that multitiered systems of support actually work to support students. We believe that within those tiers, that Tier 3, pulling students for greater intervention when they demonstrate that they need more help is always good practice.

Using data to inform your practice is always good practice. What we have to be more careful about is looking at that data in a more nuanced way. Not all students are experiencing literacy and education in the same way, and how can we use that data to better support or navigate instruction for those students who are not experiencing it in a way that is allowing them to be successful or proficient.

Mrs. HAYES. I want to thank you for your testimony today because you have actually drawn into the fact that we rely on these NAEP scores, which are federally funded. We can disaggregate these scores to give us the information that we need to pinpoint where the issues are and actually address them for students. This is not a one size fits all approach.

We agree with that, and local districts should be able to make those informed decisions and precisely hone in on the students who need it most. That does not happen by defunding the Federal agency that actually is there to support districts. Dr. Brumley, you thanked the Trump administration for all of your progress; however, you noted that this effort began 5 years ago.

Federal funding has helped with that, so 5 years ago the Trump administration was not the administration who was in charge. It was actually the Biden administration, and massive investments into districts like yours, have definitely benefited. Yes, we are not afraid of change. We are not afraid of looking at the data and using it to inform our decision, but we cannot ignore what the data tells us. Thank you, I yield back.

Chairman KILEY. Representative Moylan of Guam is recognized.

Mr. MOYLAN. Chairman Kiley, and Ranking Member Bonamici, thank you for hosting today's important hearing on literacy and numeracy. The nation's report card shows a decline in both fourth and eighth grade reading and math scores. There is no reason why in 2025 two thirds of our children should be failing behind perhaps even worse, the long-term trend assessment shows scores have been nearly flat since 1971.

The math just does not add up, and we need innovative—to be innovative in our approach to education and support students, educators, and families to achieve to the highest possible level. Dr. Brumley, since implementing the Let Teachers Teach Initiative, what worked best for improving educational outcomes, and what could use improvement?

Mr. BRUMLEY. Yes. Thank you so much. First of all, reliance on D.C. is not going to flip the trajectory for educational outcomes across this country. We need reform within the states. That is what we have done. In terms of literacy, you know, we banned three cuing, we trained all K through teachers across the State on the science of reading.

We went into the colleges and worked there. We tutor all of our kids needing support. We give screeners multiple times a year. We do parent notifications, so then they know the status of their kid's ability to read. We do third grade promotion policies. We have taken a policy centric approach to making things better in our State, and that is where the reforms have to come from within the states.

What I would suggest to you is that our Let Teachers Teach Initiative has been really important. From that information, we have banned cell phones in all of our classrooms across the State of Louisiana, which has been so impactful. We have taken a stronger approach on making sure that schools are peaceful and they are orderly so that teachers can teach free from distraction and students can learn from distraction.

These changes have been overwhelmingly well received by teachers in our State, and that is why we have cut teaching vacancies by over 50 percent over the last few years. The teacher is so fundamentally important, and I am not aware of any teacher in the State of Louisiana that is relying on D.C. for their training, for their curriculum, any of those things, as has been mentioned earlier.

What we need to do is we need to as much as possible, block grant, formula grant, directly to the states where State leaders, moms and dads can make decisions alongside their teachers on the best way to get better outcomes for kids without additional bureaucracy here in D.C.

We know that employees at the Department of Education in D.C., many of them have been removed, are no longer there. We have not felt one single impact from that in the State of Louisiana. We just need the funds to flow directly to us, so we can make decisions in the best interests of our kids.

Mr. MOYLAN. Well said, sir. Thank you. Mr. Harrison, congratulations on Saraland, that is excellent what is coming around. What does Saraland do differently in its school educator relationships that causes such a high performance outcomes?

Mr. HARRISON. I think when you look at the culture of what we established at Saraland City Schools is primarily what's turned, I guess for us. We take a teacher led process, in the fact that any programs, any type of programs that we put in the classroom we get our teacher leaders on board first, train them, get them professional development, and then we go back and do a whole professional development with our entire staff. We have buy in from all of our teachers that way.

It is not something that is directed from the administration. It is something that is led by our teachers, and that is something I would say within the science of reading and what we are doing in our math curriculum, our teachers are the ones that wear the boots

on the ground, so to speak, getting the training, getting everybody behind the programs. That is why I think a big reason why we have a lot of success in English and math.

Mr. MOYLAN. One other thing, the education is fundamentally a nonFederal issue when it comes to curriculum building. How can the Federal Government empower districts to further enhance literacy and numeracy rates?

Mr. HARRISON. I think from a standpoint of trusting our State leaders. You know, obviously, Governor Ivey, and our Governor and our State Superintendent Eric Mackey, have done a phenomenal job with directing the State of Alabama. Our NAEP scores have jumped tremendously in the last several years. Trusting in our elected folks and our appointed folks, I think is pivotal, and again, I think we have got a great leadership within the State of Alabama.

Mr. MOYLAN. Thank you to our witnesses. Mr. Chairman, I yield back.

Chairman KILEY. Representative Mannion of New York is recognized.

Mr. MANNION. Thank you, Mr. Chairman, thank you to the witnesses for participating here today, and joining this important discussion. Reading and math skills are fundamental in setting our students up for lifelong success, both in and out of the classroom, to open doors for future generations, improving proficiency and student achievement in these core subjects should be a national priority.

As a former public school teacher of almost 30 years, and someone who represented almost 400 teachers in a teacher's association, and is the spouse of an elementary school teacher, an early literacy expert, and instructional coach who develops culturally responsive curriculum, I have seen firsthand how the teaching profession has changed, and benefited from new, evidence-based approaches, including the science of learning.

As I was the teacher association President in a school district that implemented the science of reading, there was great skepticism from many of the teachers that had taught reading for a long period of time. It was implemented not starting at the kindergarten level, but broad based all the way across the board, and I can tell you that the teachers experienced excessive—intensive, excuse me, training in preparation for this implementation, and the success was resounding, and the buy-in was massive.

Instructional—classroom instruction is just a part of the equation, and for our country to truly raise the bar in reading and math, our students need strong support systems. We need intensive teacher training, and professional development. We need high impact tutoring, mentoring, after school programs and health and wellness support.

I have recently introduced into legislation a Teachers Are Leaders Act, which will make sure that we do support our new teachers, and we use our veteran teachers to help with their professional development.

It is troubling to see what is happening in this administration at a critical time in our country, that we are creating a Federal voucher system that is going to divert taxpayer money to private schools,

terminating critical education science research, withholding billions in funding for our K to 12 schools, canceling Americorps grants that directly support youth literacy, and one to one tutoring.

My question is for you, Dr. Wingfield. I appreciate your written testimony discussing these Federal disruptions. Can you expand on how these actions are expected to impact reading and math skills for students with the greatest needs, including students that live in impoverished communities, students with disabilities or English language learners?

Ms. WINGFIELD. Yes. Thank you. I want to lead by saying that our public schools are really anchors within our community, and so that is beneficial to both the schools and the community because it helps build those bridges, and the educators within those school buildings have a better understanding for the community in which they are working with.

With that being said, the fundings being cut—the funds that are being cut directly impact the programming that assists families with acquiring English, that assist the high-impact tutoring that was offered during after school time, or Saturday time, or summer-time that really helped bring up those test scores for a lot of our vulnerable communities after Covid.

You talked about teacher training, and teacher mentors. A lot of preservice teachers, and novice teachers returning to the field need that level of mentorship from advanced teachers in order to make the appropriate choices and begin to learn how to read that data that informs their practice as well.

After school programs, subsidies for families, or just lunch aid for students, all impact the quality of learning for students, and if those are cut then we will see a decline in instruction because students do not have the stability of those programming, or the additional resources that help them progress through school.

Mr. MANNION. Thank you for that answer. As you pointed out in your testimony previously, there are disparities in the NAEP performance based on socioeconomic status. From your perspective, how will the administration's actions, especially impact students in high poverty, or under-resourced schools?

Ms. WINGFIELD. It will harm them further. Those vulnerable communities, again, it has a lot to do with access and supports in order to help create that stability, and additional resources for learning, we will see greater harm done. It creates unsafe environments.

Mr. MANNION. Thank you. Thank you, Mr. Chairman.

Mr. Moylan

[presiding]. I now recognize Mr. Messmer from Indiana for 5 minutes.

Mr. MESSMER. Thank you Chairman, and thank you to the witnesses for being here today to share your expertise on how we can get education back on track. Dr. Harrison, your home schools' districts have seen an astounding comeback in State and national rankings in recent years.

How do you use formative and summative assessment data to recognize the improvements and learning metrics and tweak your strategies based on what you see?

Mr. HARRISON. For us, our formative and summative data is pivotal in how we assess our students. We try to meet every child where they are from an educational standpoint, so we take that data and literally formulate educational plans for all of our students depending on where they are with proficiency.

At our elementary level, our instructional partners, our instructional coaches, as well as our literacy teachers will pull students when they are deficient in reading, and provide Tier 2 and Tier 3 intervention for them on a daily basis, and that also includes math as well once we get data back on our students.

That is pivotal for us, and we believe in looking at data day in and day out. That is probably the secret to what we do is looking at our data from our students across the board starting at kindergarten. We provide them with formative tests to see where they are and all the way through high school.

It is something that we believe in. It is something that we found a lot of success in for us because it is a road map. If we do not know where they are we cannot tell—we cannot help them get to where they are going.

Mr. MESSMER. Excellent, thank you. Ms. Roughton, in your testimony you shared steps the State and local government must take to increase effectiveness of learning in schools. How can we equip families with the resources they need to supplement their child's learning?

Ms. ROUGHTON. Thank you for your question. I could speak for my home State, California, and the work that I do with Luminous Minds that we focus on family engagement initiatives, and a big part of that is just giving parents knowledge and resources, and how they can better work with their children at home.

I would like to recognize that the parent is a child's first, best, and most important teacher, and one simple thing that parents can do is just read to their children as much as possible. There are many districts in California that are partnering with local agencies that are bringing in family literacy nights, parent workshops to teach parents about the science of reading, and strategies that they can utilize at home to help develop their child's literacy.

Mr. MESSMER. Is California one of those states that is transitioned to the science-based reading models?

Ms. ROUGHTON. Yes. We are a little late in the game, but we just recently had an assembly bill passed with bipartisan support that is going to require evidence-based reading instructional materials within the classroom. There is a big emphasis on coaches and professional development training for teachers and making sure that we properly assess our students.

Mr. MESSMER. Thank you. Dr. Brumley, your State has also greatly improved in the educational outcomes in the past couple of years. In your opinion, how does removing Federal bureaucracy and sending educational choice back to the states help states like Louisiana in their mission to improve literacy and numeracy?

Mr. BRUMLEY. I am honored to tell Louisiana's historic education progress. We have been long challenged educationally. I am thankful to our Governor, Governor Landry, our legislature, our State board, and then the educators across the State that are doing amazing work.

My conversations with the Trump administration with Secretary McMahon had been around increased flexibilities for states to make decisions in the best interests of children within their State. I appreciate education as a state's right issue, and I think that individual states ought to be able to make those decisions.

I have not suggested reduced funding. I have not suggested removal of any law, such as IDEA, or discrimination laws. We are just saying less bureaucracy, less strings attached, further empowering states to work with teachers and moms and dads, and we can continue to see results improve in the State of Louisiana, and that is what I am here to ask for today.

Mr. MESSMER. Thank you, Dr. Brumley. I honestly appreciate that you have focused so much on getting science of reading into classrooms. How do you convince skeptical veteran teachers that the science of reading is rooted in evidence and not just a passing gimmick?

Mr. BRUMLEY. Well, the results speak for themselves. For us to go from 50th in the country for fourth grade reading in 2019 to number 16 today, it did not happen by chance. It happened because a set of policies were put into play, and the teachers across our State, and the leaders across our State absorbed it, and they said we can do this. We want to address this reading crisis together, and that is what we have done. We are taking on math.

We believe that every kid is a math kid in the State of Louisiana, and we are going to make sure those outcomes for math mirror those for literacy.

Mr. MESSMER. Okay, thank you. Thank you for your answers, and I yield back the remainder of my time.

Mr. MOYLAN. I now recognize Mr. Harris from North Carolina for 5 minutes.

Mr. HARRIS. Thank you, Mr. Chairman, and thanks to all of you on the panel for your incredible expertise, and testimonies today. You have given us some guidance, and leadership. I wanted to just ask you a couple of questions really. Parental engagement is an important factor that I think we've heard discussed here today, and Dr. Brumley, I noticed in your testimony that I enjoyed reading, said that parents, and this is a quote, "Parents send their children to school expecting strong instruction in reading, math, science, and history, not indoctrination in divisive issues."

I think you are spot on. I agree 100 percent. Across the country we have seen parents that have become outraged in a lot of places at the ridiculous indoctrination that is happening in many of the schools. I guess my question to you is how do you keep political indoctrination out of your State, and how do you keep classrooms focused on learning the essential math and reading skills?

Mr. BRUMLEY. We do everything within our power to keep the main thing the main thing. Whether we are having conversations with teachers or school boards, or the legislature, or advocates, it is about how can we together pursue academic excellence in these key content areas.

When I talk to moms and dads, they want to make sure when their kid goes to school, they are safe every day. They are taken care of. They want to make sure they are learning how to read, do math, understand the history of their country, and the civics that

underpin that. They are not interested in chasing all these extraneous issues.

They just want to make sure their kids get a good, high-quality education. The school does not have to be fancy. The curriculum does not have to be fancy. Parents just want teachers and schools that care for their kids, understand that the kid belongs to the parent, not the school.

They want them taken care of it, and they want to make sure they get a high quality education every day.

Mr. HARRIS. Fair enough. Well, along those same lines, parents are essential partners in a child's education and can be a great asset to improving their child's literacy and numeracy. What steps has your State taken to empower the parents to help their children improve in reading and math outside of the classroom?

Mr. BRUMLEY. Well, one of the things that we have done is we have made sure that parents are well informed of their child's progress. We provide screeners and those results are shared with parents around reading, around math. We have provided voucher programs for parents, so that they can provide their kids with private tutors after school and on the weekends.

We have increased access to curriculum, so parents can understand what is happening in the school. One of the most important things that has been so well received by our parents in the State of Louisiana, is making sure that parents understand that they are in charge of health-related issues with their child.

The child is not going to the hospital when they go to the school. They are going to an academic institution, and parents are making those decisions.

Mr. HARRIS. All right. Very good. Thank you. Ms. Roughton, let me just talk to you for a moment about the comments that you made, which have been excellent. My daughter is a first-grade teacher, and the science of reading is very important to her, as well as my wife is an eighth-grade American history teacher.

Education is a big part in our household. Too often we hear about lowering standards in the name of equity, and I want to ask you do you agree that raising expectations and pursuing excellence in math and reading is the real path to opportunity for every child, regardless of background?

Ms. ROUGHTON. Yes. Thank you for your question. I absolutely believe in high expectations for all students. We should be teaching our children using age appropriate, high-quality resources in the classroom, and in my work in the primary space, that is extremely important. We never want to be dumbing down our instructional practices.

We want to maintain the belief that every child can and will succeed, and rise to expectations with rigorous curriculum, given the proper instruction in the classroom.

Mr. HARRIS. Well, as you have said in your testimony, and I quote, "Literacy is the foundation of opportunity, equity and civic participation." States and teachers I think should support learning methods that will push all of our students to do their best, not lowering states because others cannot keep up, so I do appreciate the testimony, and all of you again for your time, and what you have been willing to share today.

With that, Mr. Chairman, I yield back.

Mr. KILEY. The Representative of the reigning member of the Full Committee, Representative Scott of Virginia is recognized.

Mr. SCOTT. Thank you, Mr. Chairman. I want to thank the witnesses for being with us today. I noticed we have a State Superintendent and a Local Superintendent, and I would ask them that the Every Student Succeeds Act requires an identification of achievement gaps, and a plan to eliminate those achievement gaps. Can you say what is going on in Louisiana and Saraland to comply with those requirements?

Mr. BRUMLEY. Thank you for the question. We are most interested in every student in our State getting an outstanding education. I think No. 1, it comes with making sure that every student has access to high quality teachers, so many of our initiatives around cutting vacancies have been really impactful.

Next, making sure that local systems are delivering on high-quality instructional materials for students is really important. The other piece I think, or two pieces that I think work hand in hand, one is a school and system level accountability, making sure that systems and schools are doing the job that they are tasked to do, and providing the public with an honest look at school quality. I think that is important.

Then finally, another piece that matters a lot is tutoring. What we have done in our State is made sure that every student who is not yet proficient in an academic content area, particularly in elementary, receive that additional support during the day, but also parents have the opportunity to utilize voucher programs in the evenings and in the weekends to get additional support beyond the school day.

I think we have a pretty robust approach to this, and I think our results will continue to improve.

Mr. SCOTT. Thank you.

Dr. HARRISON.

Mr. HARRISON. Yes. At a local level with what we do, obviously we give all of our students formative tests to see where they are. From that test and that data, we are able to design Tier 2 and Tier 3 instruction to bring them up to the level of what their peers are. From that point we coordinate with our teachers to ensure that they are receiving the scaffolds that they need, so they are not getting left behind with Tier 1 instruction.

There is a very coordinated effort with our teachers at all of our schools. We also provide tutoring after school at all of our schools at different levels, at different times, depending on subject area. We try to provide our students with as many opportunities outside of the school day as well as take care of them during the school day with the Tier 2 and Tier 3 instruction.

Mr. SCOTT. While I have got you, Dr. Harrison, the American Rescue Plan had money to address lost learning due to Covid. What did you do with the money, and did it make a difference?

Mr. HARRISON. For us, with a lot of the money we received from the Covid relief, we were able to shift some of the things we were paying for, whether it be personnel, and/or medical equipment, things of that nature. We were able to provide more professional development to our teachers through that funding.

Mr. SCOTT. Did it make a difference?

Mr. HARRISON. Yes, sir.

Mr. SCOTT. Thank you. Dr. Wingfield, you mentioned equity, does that require lowering standards?

Ms. WINGFIELD. No. Equity does not require lowering standards, and we should always have high expectations for our students of all backgrounds. What is important to note is that equity requires us finding the appropriate entry point to best support that student to bring them to the level of proficiency.

Mr. SCOTT. Thank you. Does research suggest that some children may or may not respond to one reading instruction technique better than others?

Ms. WINGFIELD. Yes. Sometimes we have to use different techniques to support different kinds of learners.

Mr. SCOTT. Ms. Roughton, did you find the same thing, same kind of research that some students respond to different techniques and strategies for teaching?

Ms. ROUGHTON. Yes. I mean definitely every child learns in unique and different ways, but when we are talking about literacy, the science of reading was very clear that this was the most successful practice for all children. That was our children that were at risk. That was our children with learning differences and special needs.

That was the same story for our proficient or advanced children.

Mr. SCOTT. Thank you. Dr. Wingfield, can you talk about the importance of disaggregated data to properly understand what is actually happening?

Ms. WINGFIELD. Absolutely. I think throughout this entire testimony we talked a lot about growth in school districts, but when you look at the data you will see that gaps between white students and black students are large, specifically in Louisiana. I believe this past year's fourth grade data had a 32-point difference. What we that indicates to us is that there is something happening where it is not accessible to those same students, and it does not require again to dumb down our curriculum.

It requires that you find the appropriate entry point to bring all students to proficiency. I think too, just very quickly, it is very also important to follow that data for students with disabilities as well. While the science of reading works for all students, I genuinely believe that. It does not show up or look the same in every classroom setting, again, because of cultural racial linguistic differences, and so how can we address those?

Mr. SCOTT. Thank you. Mr. Chairman, I would ask the witnesses to provide us with any research we actually ought to be reviewing. We have talked about science and things like that. What rather than give opinions, if you could provide us with research we ought to be reviewing, I think it would help us to make decisions. Thank you, Mr. Chairman. I yield back.

Chairman KILEY. Thank you very much to all our witnesses. I will now recognize the Ranking Member for closing remarks.

Ms. BONAMICI. Well, thank you very much Mr. Chairman, and thank you for your testimony and your expertise, all of the witnesses. I agree with Representative Hayes, who was a National Teacher of the Year, that you played a great case for funding Title

I, Title II, Institute of Education Sciences. You know, public education in this country has been chronically underfunded for decades, and too many students are suffering because of it.

Even though local and State governments are primarily responsible for school funding, the Federal Government has a very important role to play in closing opportunity gaps. Instead of making these critical investments in public education, the Trump administration is threatening to dismantle the Department of Education, closing the doors of opportunity for scores of our Nation's students, and that is a tremendous loss of potential.

I note that those who say "well, we support Title I, IDEA, and these other programs, the Department of Education monitors and enforces those programs, and operates them." Without the Department of Education, we do not know what will happen to them.

The administration and republicans are touting voucher schemes as a solution, but as Dr. Wingfield testified, vouchers take much needed funding from public schools and give it to wealthy families to subsidize sending their kids to private schools. Plenty of evidence shows that vouchers do not improve the academic outcomes.

They allow a few students to slip out, but they leave poor and rural students to inferior resources and fewer opportunities. They lack transparency and accountability, and they are a misuse of taxpayer dollars. I will note that the majority points to declining NAEP scores as the reason for including, excuse me, increasing private voucher schemes and predatory school choice initiatives, but they have yet to produce any test scores that prove that students who attend private schools are outperforming public school students.

In fact, in Louisiana, voucher students at private schools are performing worse on State tests than their peers in public schools. That is according to the Times Picayune and the New Orleans Advocate. They reported that in 2023 only 14 percent of voucher students in grades 3 through 8 met State achievement goals, compared with 23 percent of low-income students at public schools.

I would like to enter that into the record, that article, Mr. Chairman.

Chairman KILEY. Without objection.

[The information of Ms. Bonamici follows:]

Despite lofty promises, Louisiana's private-school vouchers fall short

The Times-Picayune/The New Orleans Advocate Online

February 14, 2025 Friday

Copyright 2025 Capital City Press All Rights Reserved

Section: SOCIETY NEWS & EDUCATION NEWS**Length:** 1765 words**Byline:** PATRICK WALL**Body**

School vouchers were supposed to be an academic lifeline for Louisiana's neediest children.

Under a 2012 law, the state would pay for poor students in struggling public schools to attend private or parochial schools where, it was promised, they would receive a better education.

But more than a decade since the statewide voucher program began, after Louisiana has spent half a billion taxpayer dollars to send thousands of students to private schools, data show the state's lofty promise has not panned out.

On average, voucher students at private schools fare worse on state tests than their public-school peers, according to scores examined by The Times-Picayune and The Advocate. In 2023, just 14% of voucher students in grades 3-8 met state achievement targets, compared with 23% of low-income students at public schools.

"If the goal was to improve achievement, then the program is not succeeding," said Doug Harris, an economist at Tulane University who has written about Louisiana's voucher program.

Even voucher proponents acknowledge the lackluster results.

"Louisiana is kind of famous for having one of the weakest, or maybe the weakest, private scholarship program in the country," said Ginny Gentles, a school-choice advocate and former U.S. Department of Education official, while interviewing Louisiana Superintendent of Education Cade Brumley on a podcast last year. Brumley agreed that "it's called the worst (voucher) program in the country" and "has its limitations."

The private schools that get about \$6,800 per voucher student face scant oversight. Unlike public schools, most don't receive state ratings because they enroll too few voucher students. But 30 private schools were graded last year, and nearly 80% earned Ds or Fs.

State regulations forbid F-rated private schools from enrolling new voucher students. Brumley waived that rule in recent years, allowing even the worst-performing schools to take in more students and tax dollars.

Now, Louisiana is set to pump more public money into private schools - an approach that President Donald Trump urged more states to adopt in a recent executive order.

Gov. Jeff Landry promoted the state's new LA GATOR Scholarship Program, which will pay for students to attend private school, during an event at a Catholic school. (Staff photo by John McCusker, The Times-Picayune | NOLA.com)

STAFF PHOTO BY JOHN MCCUSKER

Despite lofty promises, Louisiana's private-school vouchers fall short

In March, the state will launch the LA GATOR Scholarship Program, which will cover students' tuition and other private education expenses. State officials expect it to cost nearly \$94 million next school year, more than double the annual price of vouchers.

"These kids, there's no price we won't pay to make sure they get a good quality education," Gov. Jeff Landry said while promoting the program at a Catholic school in Metairie last year.

While the scholarship program will replace vouchers, many of the same private schools already have signed up - including over 20 with D or F ratings.

"It makes absolutely no sense," said Ashana Bigard, a New Orleans public school parent and advocate. The voucher schools struggled academically, "so we're going to give them more kids?"

But proponents insist the scholarship program, which includes fewer regulations, will attract stronger schools and achieve better results than vouchers.

"I think what we learned is that a private-school choice program is only as good as the quality of the private schools that are enticed to participate," said Patrick Wolf, an education policy professor at the University of Arkansas who studied Louisiana's vouchers.

In that program, he added, the "quality level appears to have been quite low."

Early results disappoint

Louisiana first offered vouchers in the 1960s to parents fleeing school desegregation, before resurrecting them decades later as a refuge from struggling public schools.

"Parents and kids should not be trapped in a failing school," then-Gov. Bobby Jindal said when the statewide voucher program launched in 2012, adding that all children deserve "an excellent education."

Former Gov. Jindal pushed for the statewide voucher program in 2012, saying no students should be "trapped" at failing public schools. (Photo by Chris Granger, Nola.com | The Times-Picayune)

CHRIS GRANGER

One of several Republican-led states to adopt vouchers, Louisiana targeted its program to families with incomes at or below 250% of the poverty line with children in public schools rated C or lower. Participating private schools had to admit all applicants, charge no more than the voucher amount and administer the state's annual LEAP test to voucher recipients.

When researchers analyzed the results after one year, what they found was stunning: Participating in the program caused students' English and math scores to plummet.

"We're talking about some of the worst results we've ever seen in the history of education research," said Josh Cowen, an education policy professor at Michigan State University who opposes vouchers.

The low scores persisted for several years, especially in math. It was a far cry from Jindal's assertion that vouchers would give students access to an excellent education. (Jindal did not respond to a request for comment.)

Voucher proponents posited that the private schools' curriculums could be misaligned with the state tests or the program's rules could have deterred higher-performing schools from joining. Less than a third of the state's roughly 400 private schools participated in 2012, and those that did tended to be Catholic, have declining enrollment and charge low tuition.

"It was a very heavily regulated program and it tended to attract schools that were more desperate for the money," said Michael McShane, director of national research at EdChoice, a pro-voucher group.

Despite lofty promises, Louisiana's private-school vouchers fall short

Advocates point to surveys showing many parents who receive vouchers are happy with their children's schools. They also say public schools improve when forced to compete with private schools for students.

Still, the early results were undeniable: Students' scores fell when they used vouchers.

"On the achievement side, it definitely wasn't a happy story," Wolf said.

Voucher schools still struggle

More than 12 years into the voucher program, the academic results have scarcely improved.

Last school year, nearly 6,000 students received vouchers, costing taxpayers \$45 million. More than 75% of those students attended private schools where fewer than 1 in 4 voucher students achieved "mastery" on the state tests, meaning they're ready for the next grade level, according to an analysis of state data by The Times-Picayune and The Advocate. At least 26% went to schools where fewer than 1 in 10 voucher students achieved mastery.

The raw scores don't show where students started academically and whether the voucher schools helped them grow. But the state's rating system tracks students' academic progress, giving schools credit for boosting student achievement even if their scores remain low.

Even by that measure, 11 of the 30 voucher schools that received ratings last year earned Fs, 12 got Ds and five earned Cs. Just two earned Bs.

Lakeside Christian Academy in Slidell posted some of the worst results last year: Fewer than 5% of its voucher students achieved mastery. The school, which enrolled 79 voucher students, earned Fs three years in a row.

Principal Buffie Singletary said voucher students typically arrive at the school far behind, with limited reading skills, making it difficult to catch them up.

"It's just really hard," she said.

Under state regulations, F-rated private schools can keep their current voucher students but may not enroll more. But Brumley used his authority as state education chief to pause that rule, saying in memos that he sought to promote stability and parental choice.

At Redemptorist St. Gerard, a Catholic school in Baton Rouge, just 8% of students who received tuition vouchers in 2024 achieved "mastery" on state tests.

STAFF PHOTO BY MICHAEL JOHNSON

The move has been a boon for schools like Redemptorist St. Gerard, a Catholic school in Baton Rouge. It earned an F in 2023, then enrolled nearly 40 new voucher students the following year, for a total of 134. In 2024, just 8% of those students achieved mastery.

School leaders did not respond to a request for comment.

Even as Brumley stopped imposing sanctions on voucher schools, he led the charge last year to adopt a stricter rating system for public schools.

Jackson Parish Schools Superintendent said if the state is going to give private schools tax dollars, they should be held to the same standards as public schools.

"You still want parents to have choice," he said, "but let's make it a fair playing field."

A new take on vouchers

Louisiana's new private-school scholarship program has been hyped as a bigger, better version of vouchers.

Despite lofty promises, Louisiana 's private-school vouchers fall short

At first, lower-income families will be eligible for the tax-funded scholarships, which will replace vouchers, but eventually all will be eligible. Offering private-school subsidies to all families, regardless of financial need, is a priority for Trump.

"With President Trump, we will continue working towards education freedom for all!" Landry posted on X last month.

Unlike with vouchers, private schools that participate in the scholarship program can decide which students to admit and how much to charge them. Rather than use the state test, they can choose which assessment to give students. And the schools will no longer be rated by the state.

"LA GATOR has fewer of the regulations that typically scare away high-quality schools," Wolf said.

But critics are doubtful that the top-performing private schools will enroll students with the greatest academic needs. Instead, those students will likely land at less-selective private schools with more open seats, which tend to be lower performing.

"The fact that you're getting rid of the regulations doesn't solve that problem," said Harris, the Tulane researcher.

As Landry and others set high expectations for the new scholarship program, the voucher results loom large.

Last year, as the Legislature considered a bill to establish the scholarship program, state board of education member Conrad Appel expressed misgivings to a state education official, according to an email obtained through a public records request. (In a recent interview, Appel emphasized that LA GATOR was designed to avoid the voucher program's mistakes.)

With vouchers, "we ended up taking kids from bad public schools and basically encouraging them to go to even worse private schools," he wrote. "I am afraid that the push to allow parental choice may mean a repeat of history."

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: SCHOOL VOUCHERS (99%); PRIVATE SCHOOLS (93%); STUDENTS & STUDENT LIFE (92%); EDUCATION SYSTEMS & INSTITUTIONS (90%); PUBLIC SCHOOLS (90%); CHILDREN, ADOLESCENTS & TEENS (89%); FAITH BASED SCHOOLS (89%); POOR POPULATION (89%); SCHOLARSHIPS & GRANTS (89%); STUDENT EXPENSES & FINANCING (89%); EDUCATION & TRAINING (79%); EDUCATION DEPARTMENTS (79%); EDUCATION FUNDING (79%); EDUCATIONAL INSTITUTION EMPLOYEES (79%); SCHOOL PERFORMANCE (79%); STUDENT EXPENSES (79%); TUITION FEES (79%); LOW INCOME PERSONS (78%); PUBLIC OFFICIALS (78%); US STATE GOVERNMENT (78%); CATHOLICS & CATHOLICISM (77%); TAXES & TAXATION (77%); EDUCATION ADMINISTRATION (74%); SCHOOL SUPERINTENDENTS (74%); EXECUTIVE ORDERS (73%); GOVERNMENT DEPARTMENTS & AUTHORITIES (73%); LAW & LEGAL SYSTEM (73%); SCHOOL CHOICE (73%); ECONOMICS (70%)

Organization: TULANE UNIVERSITY (56%); US DEPARTMENT OF EDUCATION (55%)

Industry: PRIVATE SCHOOLS (93%); EDUCATION SYSTEMS & INSTITUTIONS (90%); EDUCATIONAL SERVICES (90%); PUBLIC SCHOOLS (90%); FAITH BASED SCHOOLS (89%); PODCASTING (57%)

Despite lofty promises, Louisiana 's private-school vouchers fall short

Person: JEFF LANDRY (89%); DONALD TRUMP (52%)

Geographic: NEW ORLEANS, LA, USA (92%); LOUISIANA, USA (98%); UNITED STATES (95%); Louisiana; United States; Americas; Northern America

SUB: EDUCATION FUNDING

SUB: EDUCATION ADMINISTRATION

SUB: TUITION FEES

SUB: SCHOOL PERFORMANCE

SUB: US STATE GOVERNMENT

SUB: SCHOOL VOUCHERS

SUB: SCHOOL CHOICE

SUB: EXECUTIVE ORDERS

IND: PODCASTING

SUB: FAITH BASED SCHOOLS

IND: FAITH BASED SCHOOLS

SUB: STUDENTS & STUDENT LIFE

SUB: PUBLIC OFFICIALS

SUB: GOVERNMENT DEPARTMENTS & AUTHORITIES

SUB: PRIVATE SCHOOLS

IND: PRIVATE SCHOOLS

SUB: STUDENT EXPENSES & FINANCING

SUB: POOR POPULATION

SUB: PUBLIC SCHOOLS

IND: PUBLIC SCHOOLS

SUB: STUDENT EXPENSES

GEO: UNITED STATES

SUB: CATHOLICS & CATHOLICISM

GEO: UNITED STATES; LOUISIANA, USA

SUB: SCHOLARSHIPS & GRANTS

SUB: EDUCATION DEPARTMENTS

SUB: TAXES & TAXATION

SUB: EDUCATION & TRAINING

SUB: LOW INCOME PERSONS

IND: EDUCATIONAL SERVICES

SUB: SCHOOL SUPERINTENDENTS

SUB: ECONOMICS

Despite lofty promises, Louisiana 's private-school vouchers fall short

PEO: DONALD TRUMP

PEO: JEFF LANDRY

SUB: EDUCATION SYSTEMS & INSTITUTIONS

IND: EDUCATION SYSTEMS & INSTITUTIONS

SUB: CHILDREN, ADOLESCENTS & TEENS

Load-Date: February 14, 2025

End of Document

Ms. BONAMICI. According to Education Choice in the 2025 ranking, Florida and Arizona ranked number 1 and 2 when it comes to using public funds to bolster private school choice schemes, but this approach has consequences. The NAEP scores revealed that both Florida and Arizona fell below the national average in eighth grade math and reading.

Additionally, I would also like to enter into the record a report released yesterday by the Education Policy Analysis Archives at Arizona State University that comprehensively reviewed State voucher laws since 1869.

That report concluded comprehensively that school vouchers have failed students, families and our Nation, draining public school funding, and exacerbating inequities without improving our Nation's education system, and I would also like to introduce that into the record.

Chairman KILEY. Without objection.

[The information of Ms. Bonamici follows:]

education policy analysis archives

A peer-reviewed, independent,
open access, multilingual journal



epaa | aape

Arizona State University

Volume 33 Number 52

September 11, 2025

ISSN 1068-2341

Taxpayer-Funded Private School Vouchers and Market Failure: A Policy Scan and Review from 1869 to 2024

David E. DeMatthews

The University of Texas at Austin
United States

Torri D. Hart

The University of Texas at Austin
United States

&

David S. Knight

University of Washington
United States

Citation: DeMatthews, D. E., Hart, T. D., & Knight, D. S. (2025). Taxpayer-funded private school vouchers and market failure: A policy scan and review from 1869 to 2024. *Education Policy Analysis Archives*, 33(52). <https://doi.org/10.14507/epaa.33.9019>

Abstract: More than 70 years ago, Milton Friedman argued in favor of vouchers as a policy tool to increase the quality of the nation's education system. Since then, economists and other education policy researchers have studied several waves of taxpayer-funded private school voucher policies that have emerged. Too often, these researchers have ignored the policy history of vouchers or adequately described market theories and assumptions of competitive markets as they evaluated the impact of voucher programs on student outcomes. In this article, we provide a comprehensive review and analysis of state-legislated voucher policies in the United States from 1869 to 2024, which includes a policy scan of historical and contemporary voucher

Journal website: <http://epaa.asu.edu/ojs/>
Facebook: /EPAAA
Twitter: @epaa_aape

Manuscript received: 11/11/2024
Revisions received: 31/7/2025
Accepted: 31/7/2025

legislation and the extent to which vouchers successfully established education marketplaces that produced efficient and valued educational outcomes. We found little evidence that private school vouchers created markets that produced valued educational outcomes. In many cases, policymakers used vouchers as a tool to maintain racial segregation or the programs failed to increase student achievement outcomes. We detail how these failures underscore how education markets do not meet basic assumptions of competitive markets. This article concludes with recommendations for education policy researchers and next generation research related to private school vouchers.

Keywords: vouchers; market theory; education policy; school choice

Vouchers para escuelas privadas financiados con fondos públicos y fracaso del mercado: Un análisis y revisión de políticas de 1869 a 2024

Resumen: Hace más de 70 años, Milton Friedman defendió los vouchers como una herramienta de política para mejorar la calidad del sistema educativo nacional. Desde entonces, economistas y otros investigadores de políticas educativas han estudiado varias oleadas de políticas sobre vouchers para escuelas privadas financiadas con impuestos públicos. Sin embargo, con demasiada frecuencia estos investigadores han ignorado la historia de las políticas de vouchers o no han descrito adecuadamente las teorías de mercado y las suposiciones de mercados competitivos al evaluar el impacto de los programas de vouchers en los resultados estudiantiles. En este artículo ofrecemos una revisión y análisis integral de las políticas de vouchers legisladas a nivel estatal en Estados Unidos entre 1869 y 2024, lo cual incluye un mapeo de legislaciones históricas y contemporáneas sobre vouchers y el grado en que lograron establecer mercados educativos que produjeran resultados eficientes y valorados. Encontramos poca evidencia de que los vouchers para escuelas privadas crearan mercados que produjeran resultados educativos valorados. En muchos casos, los responsables de políticas usaron los vouchers como herramienta para mantener la segregación racial o los programas fracasaron en mejorar el rendimiento académico estudiantil. Detallamos cómo estos fracasos subrayan que los mercados educativos no cumplen con los supuestos básicos de los mercados competitivos. Este artículo concluye con recomendaciones para investigadores de políticas educativas y para la próxima generación de investigaciones relacionadas con los vouchers para escuelas privadas.

Palabras clave: vouchers; teoría de mercados; política educativa; elección escolar

Vouchers para escolas privadas financiados com recursos públicos e falha de mercado: Um mapeamento e revisão de políticas de 1869 a 2024

Resumo: Há mais de 70 anos, Milton Friedman defendeu os vouchers como um instrumento de política para aumentar a qualidade do sistema educacional do país. Desde então, economistas e outros pesquisadores de políticas educacionais têm estudado diversas ondas de políticas de vouchers para escolas privadas financiados por impostos públicos. No entanto, muitas vezes esses pesquisadores ignoraram a história das políticas de vouchers ou não descreveram adequadamente as teorias de mercado e as premissas dos mercados competitivos ao avaliar o impacto dos programas de vouchers nos resultados estudantis. Neste artigo, apresentamos uma revisão e análise abrangente das políticas de vouchers legisladas em nível estadual nos Estados Unidos de 1869 a 2024, incluindo um mapeamento da legislação histórica e contemporânea sobre vouchers e em que medida eles conseguiram estabelecer mercados educacionais que produzissem resultados eficientes e valorizados. Encontramos poucas evidências de que os vouchers para escolas privadas tenham criado mercados que geraram resultados educacionais valorizados. Em muitos casos, formuladores de políticas usaram os vouchers como ferramenta

para manter a segregação racial ou os programas falharam em melhorar o desempenho acadêmico dos estudantes. Detalhamos como essas falhas ressaltam que os mercados educacionais não atendem às premissas básicas dos mercados competitivos. O artigo conclui com recomendações para pesquisadores de políticas educacionais e para pesquisas futuras relacionadas aos vouchers para escolas privadas.

Palavras-chave: vouchers; teoria de mercados; política educacional; escolha escolar

Taxpayer-Funded Private School Vouchers and Market Failure: A Policy Scan and Review from 1869 to 2024

Private school vouchers have served various purposes and taken many forms during the last 150 years. Over the last three decades, vouchers have been a hot and contested topic that, at times, has led to in-fighting among researchers, advocates, and opponents (e.g., Cowen, 2024; Greene, 2024; Zernike, 2000). In recent years, voucher advocates have gained significant traction as more states have passed voucher legislation than ever before (Stanford, 2023). Some politicians running for the highest offices within states and nationally have championed vouchers as a tool to strengthen education (e.g., President Donald Trump, Texas Governor Greg Abbott), many of whom find themselves receiving significant political campaign contributions from an elite class of pro-voucher, right-wing billionaires (e.g., Gillman, 2024; Schwartz, 2024).

Much of the voucher advocacy is rooted in calls to break the monopoly of public schools, create a competitive education marketplace, and enable parent choice. For many voucher advocates, these mechanisms are rooted in market theory and the assumptions associated with a competitive market (Friedman, 1955, 1962). The dominant approach to voucher research has relied upon econometric methodologies and market theories examining the extent to which private school vouchers improve student outcomes (e.g., Jabbar et al., 2022). More recently, some studies have sought to evaluate other outcomes, such as educational attainment (e.g., Egalite & Wolf, 2016). Yet, few studies question the underlying assumptions of market theory or consider historical evidence of vouchers in their research design, analysis, or discussion of findings. A cursory review of voucher studies published in peer-reviewed journals reveals only limited, if any, discussion of key components of the voucher policy, potential violated assumptions of market theory, or reference to significant concerns associated with voucher policies from the 1950s, 1960s, and 1970s (Cowen, 2024; Gooden et al., 2016; Henig, 1994; Lubienski & Malin, 2021; MacLean, 2017; Terjen, 1971; Williamson, 2024).

The purpose of this article is to provide a comprehensive review of state-legislated voucher policies in the United States from 1869 to 2024, to include a policy scan of historical and contemporary voucher legislation documenting the extent to which vouchers established competitive education marketplaces that produce efficient and valued educational outcomes. In what follows, we review the origins and assumptions of market theory and its application to private school voucher policies in the US. Then, we draw on an in-depth policy scan, empirical research, case law, and historical analysis to evaluate the impact of vouchers on the educational experiences and outcomes of students. Our analysis does not focus narrowly on student outcomes for students using vouchers. We also examine how race, culture, geographic region, religion, power, and ideology “play into the equation” of private school voucher policy advocacy, development, enactment, and impact in a myriad of ways (Baker et al., 2024, p. 2). We conclude with a discussion of the well-documented failures of voucher policies to create a competitive market, concerning policy advocacy trends despite clear evidence of harm, and implications for future research and policy.

Foundation of Free Market Theory and Application to Education

Many private school voucher advocates reference market theory to justify school voucher program enactment or expansion (e.g., Burke & Greene, 2021; Finn et al., 2009). Market theory is also used to conceptualize empirical studies examining whether vouchers might improve schools and increase student achievement or other outcomes (e.g. Egalite, 2013; Figlio & Rouse, 2006). Yet, free market theory is not an immutable truth nor is it a monolithic construct. Philosophers have long recognized the clear limitations of markets in a complex and uncertain world. For centuries, philosophers, social scientists, and researchers used market theory to inform debates, design or revise policies, and engage in research related to both the public and private sectors. Adam Smith (1776) theorized the benefits of free markets in full recognition that markets do not work perfectly or all the time. Smith theorized how markets and government could promote greater equality and a more just society. In his famed book *The Wealth of Nations* (1776), Smith discussed the concentration of wealth: “All for ourselves, and nothing for other people, seems, in every age of the world, to have been the vile maxim of the masters of mankind” (p. II.iv.10). Government was essential for promoting the general welfare, regulating monetary systems and monopolistic markets, cleaning streets and fostering public health, building bridges, and, of note here, providing public education. Smith considered himself a scientist observing society and a political philosopher situated within a budding democratic society, theorizing how to promote the greatest happiness for the greatest number of people. His work was a significant contribution to the field of economics, generating additional ideas and positions about the role of government and markets as well as the nature of human beings within society.

Charles Darwin’s publication of *The Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life* in 1859 gave momentum to a more radical view of free market theory. Darwin’s book described aspects of evolutionary biology and the process of natural selection, which had a significant impact on philosophers interested in economics. As Keynes (1926) noted, “The economists [of the time] were teaching that wealth, commerce, and machinery were the children of free competition – that free competition built London... some Darwinians argued that free competition built Man...” (pp. 13-14). Darwin heavily influenced Herbert Spencer, an influential British intellectual during the mid to late 1800s, who coined the phrase, “survival of the fittest.” From Spencer’s view, those who were wealthier were more naturally fit which enabled them to prosper. To give aid to the poor through government intervention was inefficient and would only lead to the propagation of less naturally fit human beings.

Many economists in the 20th century rejected radical views about competition and drew from Smith’s (1776) nuanced theory of the market that included a role for government, positing that an “invisible hand” would push markets into equilibrium through price changes that influence consumer and producer decisions. Market theory rests on several key assumptions that have been widely applied in various contexts, sectors, and industries. Levin (2019) laid out a range of longstanding assumptions for obtaining a market with efficient and valued outcomes. Markets could produce efficient and valued outcomes when: (1) The market includes many users and producers; (2) Users and producers are free to enter and exit the market; (3) Producers are offering a homogenous product or service; (4) Perfect information about the prices and qualities of a product and service, as well as alternatives, is readily available; (5) Goals for users and producers can be maximized; (6) Little or no transaction costs exist within the market; and (7) Transactions within the market do not produce externalities, costs, or benefits outside of the specific transaction between users and producers.

Such assumptions can be met in certain markets, although no perfect market exists. Friedman (1955, 1962) argued that a competitive market could be established for the provision of

schooling and called for an education marketplace where private schools replaced public schools. The government's primary role would shift from providing education to setting minimal standards for private schools and providing families with a modest voucher to cover some or all the tuition. Such an education marketplace was necessary, Friedman theorized, because of the existence of a monopolistic government system that did not have market incentives to efficiently utilize resources, adapt and improve, or align to parent preferences. Friedman did not support his arguments with empirical evidence showing that vouchers could improve schooling through education markets.

Drawing on principles of market theory, we argue that education markets using vouchers might produce efficient and valued outcomes if:

1. The market has many private schools and families with children interested in moving their child out of public schools and into private schools. However, many regions of the country have only a small number of private schools with limited enrollment capacity while most families of children support their public schools. While voucher supporters might argue vouchers would prompt more private schools, researchers continue to find high rates of voucher participants in wealthier suburban and urban spaces with limited options in more rural and remote areas (Baker et al., 2025).
2. Private schools admit all students that apply relative to their enrollment capacity, do not have tuition that exceeded what a given family could afford, and did not have any additional barriers to entry, such as high transportation costs or application fees. Yet, private schools across the US set their own admissions standards, charge tuition at any rate, and reject students for a variety of reasons, including an unwillingness to provide services to students with disabilities or English learners.
3. All schools offer a common curriculum and set of programs that is standardized and comparable. Though, private schools by their very nature do not offer a common or standardized schooling experience, but rather draw from different philosophies of education, curriculum, staffing, programming, and a wide array of other areas.
4. If parents can easily evaluate the quality of schooling in the education market. Unfortunately, such evaluations are difficult if not impossible given that each private school has differing goals, functions, programs, and methods of describing and measuring experiences and outcomes. Some standardized assessments in public and private schools might measure narrow outcomes but are still not able to evaluate the many goals, functions, and programs operating across schools.
5. The goals for families and private schools can be maximized, but families might pursue an education for their child based on their priorities and what they believe will be most useful, while schools may have different goals related to their philosophies, religious values, commitments, and economic priorities.
6. Attending a private school produces little or no transaction costs. However, for many families, the cost of transportation to a private school and application processes can be timely and costly.
7. The education marketplace does not produce externalities, costs, and benefits outside of the specific transactions between the family and the student. However, since schooling is both a public and private good, as Friedman (1955, 1962) asserted himself, schooling produces costs and benefits to the public.

These examples show how private school vouchers fail to create conditions for an efficient education market. For decades, a small group of scholars have highlighted how education marketplaces specific to private school vouchers violate competitive market assumptions that would

lead to efficient and valued outcomes (Baker et al., 2025; Cowen, 2024; Epple et al., 2021; Harris, 2024; Henig, 1994; Hess, 2002; Ladd, 2002; Levin, 2019). Others have noted that “Markets are not always more efficient than internal production, especially when the product in question—public benefits in one area or another—is hard to measure and control” (Krashinsky, 1986, p. 149).

Some advocates of market-based reforms have also pointed out the flaws of voucher policy design that contribute to market failures, such as the small scale of many programs (e.g., Merrifield, 2001). As Harris (2024) similarly concluded, “*all* of the assumptions necessary for efficient market operation are violated to an unusual extent in the schooling market” and that “School voucher policies would not even satisfy the one criterion that permeates neoclassical economics—the efficiency criterion. The logic of free market schooling fails on its own terms” (p. 112). More than 20 years earlier, Hess (2002) came to a similar conclusion, noting that education policy discussions related to competition and markets often occur “without regard to the context of the market” and that “the character of K-12 education and the manner in which it is produced by urban public systems conspire to create a market that looks little like the textbook ideal” (p. 30). We take Hess (2002) seriously in his point that context matters concerning education marketplaces. We turn to the history and development of voucher policies in the US to provide further context.

Policy Scan

Private school vouchers are sometimes referred to as “scholarships” “savings accounts” and other labels or described under a broader umbrella of “parental choice” or “school choice,” which can be confusing and misleading (Merrifield, 2001). Based on our initial literature review and in consultation with several scholars who have studied vouchers, we identified four types of state voucher policies that are relevant to the purpose of this study:

1. Conventional Voucher (CV): the allocation of less than or equal to a child’s state per-pupil allotment to an eligible student for private education services that may include private school tuition, tutoring, and transportation; funds in CV programs are directly given to the eligible student’s chosen, participating private school; We include “state tuition grants” provided to families in southern states seeking to avoid racial integration following the *Brown* (1954) decision given families were provided with a certain amount of funding for private education services;
2. Tax Credit (TC): the application of a tax reduction for those who donate funds to a voucher-participating scholarship granting organization (SGO) who, in turn, uses donation funds to administer vouchers; SGOs, largely, manage the respective voucher program;
3. Tax Deduction (TD): individuals who pay for one or many education services, public or private, (see CV definition) receive a reduction on the amount of taxes owed in a given year; and
4. Education Savings Accounts (ESA): based on voucher program criteria, eligible students receive an allocation of less than or equal to their state per-pupil allotment that is accessible to participating families in a functional bank account that can be used for various private education services and associated fees (see CVs).

We used these terms to identify all laws that were in effect between 1869 and April 2024 in all U.S. states and municipalities. In consultation with a university librarian, we conducted database and internet searches from September 2023 through December 2024. We also did an updated search on May 1st, 2024, to identify any recent voucher laws. Specifically, we utilized the following databases for the search: Academic Search Complete, APA PsycINFO, Education Source, SocINDEX, and

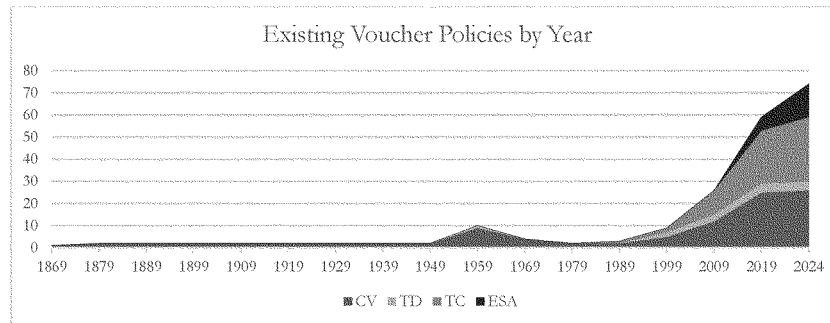
ERIC. In addition, we supplemented our searches by relying on a series of websites and reports that have also tracked voucher legislation.

Primary reports utilized included: *Private school choice: Requirements for students and donors participating in state tax credit scholarship programs* (United States Government Accountability Office, 2018), *The fiscal consequences of private school vouchers* (Abrams & Koutsavlis, 2023), *School dollars diverted in 2023: A scan of private school voucher legislation in the United States South* (Wilson, 2023), *The ABCs of school choice: The comprehensive guide to every private school choice program in America* (EdChoice, 2022). Primary websites utilized included: edchoice.org and ptps.org/billtracker/, alongside state legislative sites, including state departments of education and revenue. Media outlets were frequently used as supplements to identify and/or verify most-recent voucher legislation across each individual state. Legal and empirical peer-reviewed articles were also key resources in the identification and verification of current voucher legislation, as well as past voucher legislation.

Next, we reviewed the full text of the enacted voucher policies identified in the search and coded them based on the four voucher types. We read each voucher policy and searched for peer-reviewed research articles that examined each of these policies. To ensure reliability of our findings, we double checked each policy and conferred with available reports and media covering voucher legislation. We identified 82 laws across 34 states, with 16 states not having any voucher laws. Figure 1 details the emergence of voucher policies beginning in the 1860s through April 2024. The figure shows an initial uptick of seven voucher programs created after the *Brown* (1954) decision, all of which federal and state courts deemed unconstitutional (hence the immediate decline in active voucher policies shown in the figure) by the *Runyon* (1976) decision. Then, beginning in the late 1980s through 1990s, additional voucher policies emerged, as shown in the steep increases in dark grey shading, with ESAs introduced around 2010 (shown in black shading).¹

Figure 1.

Existing Voucher Programs by Voucher Type and Year from 1869 to April 2024



¹ Two states (Arkansas: Succeed Scholarship Program, Kentucky: Education Opportunity Account Program) rescinded voucher laws or policies. Meanwhile, North Carolina absorbed its original conventional voucher, Disabilities Grant, into its expanded education savings account program, ESA+ Program. Lastly, one state (Florida: Opportunity Scholarships Program) and one municipality (D.C.: School Choice Incentive Act, now the Scholarships for Opportunity and Results Act) altered their voucher program design to be limited to traditional public school or public charter school transfers.

After we identified all voucher policies, we chronologically charted each identified policy along with summaries of each policy. Table 1 outlines each private school voucher policy identified in our search. We recognized four somewhat distinctive time periods and themes. The first time period includes voucher programs that emerged in the northeastern US in the 1860s to support a small group of families in rural communities without public schools. However, we do not include this initial period in our analysis of voucher policy waves, as these programs were limited in scope, emerged over 150 years ago, and were not grounded in market-based or ideological arguments that characterize later voucher programs. No new policies were adopted for more than 90 years. Additional voucher policies emerged during the 1950s primarily in the U.S. South in response to the *Brown* (1954) decision and the scholarly writings of Milton Friedman. Through the 1970s, private schools known as segregation academies emerged until federal court cases and other social, political, and cultural factors led to the dismantling of many of these policies. A new set of voucher policies emerged in the late 1980s and 1990s in urban contexts while a new group of conservative scholars were arguing for market-based education reform. Empirical research of these programs produced mixed results and would lead to continued growth in program size. Voucher policies would further expand in the early 2000s and over the next 25 years as a series of U.S. Supreme Court cases, philanthropists, and key events led to larger voucher programs serving larger student populations across entire states.

Table 1

Voucher Programs by Year, State, and Type from 1869-April 2024

Year	Voucher Policy	Type
1869	Vermont: Town Tuitioning Program	CV
1873	Maine: Town Tuitioning Program	CV
1901	New Hampshire: Town Tuitioning Program (repealed in 1949)	CV
1955	Minnesota: Education Deduction	TD
1956	North Carolina: State Tuition Grant	CV
1957	Alabama: State Tuition Grant	CV
1959	Virginia: State Tuition Grant	CV
1961	Georgia: State Tuition Grant	CV
1962	Louisiana: State Tuition Grant	CV
1963	South Carolina: State Tuition Grant	CV
1964	Mississippi: State Tuition Grant	CV
1987	Iowa: Tuition and Textbook Tax Credit	TC
1990	Wisconsin: Milwaukee Parental Choice Program	CV
1995	Ohio: Cleveland Scholarship Program	CV
1997	Arizona: Individual Income Tax Credit	TC
1997	Minnesota: K-12 Education Credit (expanded 1950 tax deduction)	TD
1999	Florida: McKay Scholarship Program (absorbed into Family Empowerment Scholarships in 2022)	CV
1999	Illinois: Tax Credits for Educational Expenses	TC
2001	Florida: Tax Credit Scholarship Program	TC
2001	Pennsylvania: Educational Investment and Opportunity Scholarship Tax Credit Program	TC
2003	District of Columbia: School Choice Incentive Act (absorbed into SOAR Act in 2011)	CV

Year	Voucher Policy	Type
2003	Ohio: Autism Scholarship Program	CV
2003	Ohio: Jon Peterson Special Needs Program	CV
2005	Ohio: Educational Choice Scholarship Program	CV
2005	Utah: Carson Smith Scholarship Program	CV
2006	Iowa: School Tuition Organization Tax Credit	TC
2006	Arizona: Low Income Corporate Income Tax Credit	TC
2006	Rhode Island: Tax Credits for Contributions to Scholarship Organizations	TC
2007	Georgia: Special Needs Scholarship Program	CV
2008	Louisiana: Louisiana Scholarship Program (renamed Student Scholarship for Educational Excellence Program)	CV
2008	Louisiana: School Expense Tax Deduction	TD
2008	Georgia: Qualified Education Donation Tax Credit (renamed as the Peach Education Tax Credit)	TC
2009	Arizona: Lexie's Law for Disabled and Displaced Students	TC
2009	Indiana: School Scholarship Tax Credit	TC
2010	Louisiana: School Choice Program for Certain Students with Disabilities	CV
2010	Oklahoma: Lindsey Nicole Henry Scholarships for Children with Disabilities Program	CV
2011	Indiana: Choice Scholarship Program	CV
2011	District of Columbia: Scholarships for Opportunity and Results Act (SOAR Act)	CV
2011	Wisconsin: Racine Parental Private School Choice Program	CV
2011	Oklahoma: Equal Opportunity Scholarships Act	TC
2011	Arizona: Empowerment Scholarship Accounts	ESA
2011	Indiana: Private School/Homeschool education	TD
2012	Mississippi: Dyslexia Therapy Scholarship for Students with Disabilities	CV
2012	Arizona: "Switcher" Individual Income Tax Credit	TC
2012	New Hampshire: Education Tax Credit Program	TC
2012	Pennsylvania: Opportunity Scholarships Tax Credit Program	TC
2012	Virginia: Education Improvement Scholarships	TC
2013	Mississippi: Nate Rogers Scholarship for Students with Disabilities	CV
2013	North Carolina: Opportunity Scholarship	CV
2013	North Carolina: Disabilities Grant (absorbed into ESA+ program in 2021)	CV
2013	Wisconsin: Wisconsin Parental Choice Program	CV
2013	Alabama: Education Scholarship Program	TC
2013	South Carolina: Exceptional SC	TC
2014	Kansas: Tax Credits for Low Income Students Scholarship Fund	TC
2015	Arkansas: Succeed Scholarship Program (repealed 2023)	CV
2015	Montana: Student Scholarship Organization Tax Credit	TC
2015	Nevada: Educational Choice Scholarship Program	TC
2015	Mississippi: Equal Opportunity for Students with Special Needs	ESA
2015	Tennessee: Individualized Education Account Program	ESA
2015	Wisconsin: Special Needs Scholarship Program	ESA
2016	Maryland: Broadening Options and Opportunities for Students Today	CV
2016	South Dakota: Partners in Education Tax Credit Program	TC
2017	New Hampshire: Town Tuitioning Program (reenacted)	CV

Year	Voucher Policy	Type
2017	Illinois: Invest in Kids	TC
2017	North Carolina: ESA+ Program	ESA
2018	Florida: Tax Credit Scholarship Program	TC
2019	Florida: Family Empowerment Scholarship Program	ESA
2020	Utah: Special Needs Opportunity Scholarship Program	TC
2021	Indiana: Education Scholarship Account Program	ESA
2021	New Hampshire: Education Freedom Accounts	ESA
2021	West Virginia: Hope Scholarship Program	ESA
2021	Arkansas: Philanthropic Investment in Arkansas Kids Program	TC
2021	Kentucky: Education Opportunity Account Program (repealed 2021)	TC
2021	Missouri: Empowerment Scholarship Accounts Program	ESA/TD
2023	Arkansas: LEARNS Act	ESA
2023	Iowa: Students First Act	ESA
2023	Montana: Students with Special Needs Equal Opportunity Act	ESA
2023	South Carolina: Education Scholarship Trust Fund Program	ESA
2023	Utah: Utah Fits All	TC
2023	Ohio: EdChoice Expansion Program	CV
2023	Nebraska: Opportunity Scholarship Act	TC
2023	Oklahoma: Parental Choices Tax Credit Act	TC
2024	Alabama CHOOSE Act	ESA

Note. Abbreviations have the following meanings: CV, conventional voucher; TC, tax credit; TD, tax deduction; ESA, education savings account. The Missouri: Empowerment Scholarship Accounts Program is a combined ESA and TD program. While 83 programs are listed in the table, by year, 82 are portrayed because of the enactment, repeal, and reenactment of the New Hampshire: Town Tuitioning Program.

Based on the four periods, we reviewed historical writings, books, and research to further define and operationalize what we would eventually call “Three Waves of Vouchers.” Over the course of three months, the authors met regularly and wrote analytic memos on each wave to ensure they were clearly defined, supported with evidence and primary source documents, and included analysis relevant to market theory. Each author provided feedback on each wave and the first author organized and revised the waves until they were solidified and the group reached agreement. In what follows, we define each of these waves, identify the voucher policies enacted within the period, and examine relevant historical events, case law, and empirical studies that shaped the development of the wave from beginning to end or present.

The History of Voucher Policies and the Free Market

Vermont became the first state to implement a voucher program in 1869 with their Town Tuitioning Program (TTP), which was designed for students and families in more remote rural locales without a public school. Under TTP, families received a CV, an amount of funds less than or equal to the cost of a student’s state per-pupil allocation for public school enrollment, to enroll their child in a private school or another public school of their choosing. Maine adopted a similar program for the same purpose in 1873. New Hampshire also enacted their own TTP in 1901. These early voucher programs were small in scale and reflected challenges of educating school-aged children in remote rural areas during the 19th century. Due to their limited scope, historical distance, and lack of connection to market-based reforms, we do not include these early programs in our analysis of voucher policy waves. These policies predate the modern voucher movement, which we

present in three distinct waves. Each wave reflects shifting political, legal, and ideological contexts—from the use of vouchers to resist desegregation in the mid-20th century, to market-based reforms in response to concerns about public education performance, and finally to a rapid expansion of voucher programs in the 21st century following key U.S. Supreme Court decisions.

First Wave: Friedman's Market Ideals

The first wave of school voucher legislation was shaped by Milton Friedman's mid-century economic theories and the racial politics of resistance to school desegregation following *Brown v. Board of Education* (1954). In 1955, the Minnesota legislature passed an education tax deduction not to exceed \$200 per student for tuition and school transportation costs incurred by parents with students in public or private schools (Minnesota Statutes, 1955, Chapter 744, Section 1, Item 19). While not a voucher per se, the law represented the first time a state provided a tax break that could go toward supporting private school tuition. That same year, Friedman (1955, 1962) proposed a version of vouchers where the government provided:

a minimum level of schooling financed by giving parents vouchers redeemable for a specified maximum sum per child per year if spent on 'approved' educational services. Parents would then be free to spend this sum they themselves provided on purchasing educational services from an 'approved' institution of their own choice. (p. 89)

The role of government approving services would be limited to “insuring that the schools met certain minimum standards” similar to how the government “inspects restaurants to insure that they maintain minimum sanitary standards” (Friedman, 1962, p. 89).

Public schools in many parts of the US were segregated before 1954 with those attending racially and economically segregated schools receiving unequal access to high-quality resources and facilities (Rooks, 2020). After the *Brown v. Board of Education* (1954) decision, many southern states sought to maintain White supremacy and racial segregation and successfully did so by adopting voucher policies (MacLean, 2017; Nevin & Bills, 1976).

Table 2 details state legislated voucher programs named and described as “State Tuition Grants” which we classify as CVs. Southern policymakers promoted vouchers as a policy tool not out of a belief that the free market was the best way to improve schooling or that public monopolies were inefficient or ineffective, but rather that an education marketplace could be used to maintain segregated schools. North Carolina and then Alabama, Virginia, Georgia, Louisiana, South Carolina, and Mississippi all passed state tuition grants as a tool to maintain racial segregation leading to the establishment of hundreds of segregation academies. Researchers found that segregation academies did not emerge in all contexts, but rather in those where desegregation plans were likely to be implemented, where some forms of integration were already underway, and where Whites had the capacity to resist desegregation (Andrews, 2002). In a study of segregation academies, Porter et al. (2014) found that within the rural areas of the southern Black Belt, “academy enrollments often accounted for more than 70 percent of white student enrollments” with far fewer in more urban areas (p. 594).

The language used by voucher advocates of the era included terminology that reflected neoliberal economics, including terms such as “school vouchers,” “freedom of choice,” and “tax exemption for private schools” (LaFleur, 2023, p. 210). As Howell and Peterson (2006) noted, Friedman's “ideas initially were put to ill use” (p. 14). Friedman never advocated for racial segregation but was associated with segregationist economists working at the University of Virginia (e.g., James Buchanan) and elsewhere promoting vouchers as a policy tool to maintain segregation or

dramatically slow integration (LaFleur, 2023; Mirowski & Plehwe, 2015). White Citizen's Councils mobilized to pressure elected officials from taking steps toward racial integration. Many politicians and parents were seeking to create schools based on one criterion—racial segregation. Their policy solution was a state-supported voucher system that publicly subsidized “segregation academies” or private schools with discriminatory acceptance policies to avoid racial integration following the *Brown* (1954) decision (Fuquay, 2002; Hughes, 2006). For example, *Time Magazine* (1969) reported on Marvell Academy, a private elementary school opened in Marvell, Arkansas, by members of the community's White Citizens' Council who declared, “Integration is the corruption of the true American heritage by alien concept and ideology.”

Table 2

Voucher Programs in Southern States by Year, State, and Affiliated Court Cases from 1956-1976

Year Enacted/ Declared Unconstitutional	Voucher Policy	Affiliated Court Cases
1956-1969	North Carolina: State Tuition Grant	<i>Godwin v. Johnston County Board of Education</i> (1969)
1957-1967	Alabama: State Tuition Grant	<i>Lee v. Macon County Board of Education</i> (1967)
1959-1964	Virginia: State Tuition Grant	<i>Griffin v. School Board of Prince Edward County</i> (1964)
1961-1976	Georgia: State Tuition Grant	<i>Coit v. Green</i> (1965) <i>Green v. Connally</i> (1971) <i>Runyon v. McCrary</i> (1976)
1962-1966	Louisiana: State Tuition Grant	<i>Poindeexter v. Louisiana Financial State Commission</i> (1966)
1963-1976	South Carolina: State Tuition Grant	<i>Runyon v. McCrary</i> (1976)
1964-1969	Mississippi: State Tuition Grant	<i>Green v. County School Board</i> (1968) <i>Alexander v. Holmes</i> (1969) <i>Coffey v. State Educational Finance Commission</i> (1969)

Note. Most programs went through periods of enactment, repeal, re-enactment, and a series of legal battles that make start and end dates permeable. Often, programs were deemed unconstitutional, which led to policies being amended rather than programs ended. *Runyon v. McCrary* (1976) was the key U.S. Supreme Court case that outlawed vouchers being used to fund segregated private schools, dismantling many programs that were launched as tools to sustain segregation. All programs identified were impacted by the Civil Rights Act of 1964 and *Runyon v. McCrary* (1976), among others. Additionally, prior to enacting the programs identified above, most states, first, amended their own constitutions to enable state funds to go towards the maintenance of a segregated school system.

White parents and policymakers wanted an education marketplace where Black families were not included and could not freely enter the market. As reported by *Yale Law Journal* (1973), many white parents who had previously allowed their children to attend public schools with a small number of blacks refused to enroll their children in genuinely integrated schools. The result was a massive white withdrawal from the public

schools and a flurry of activity organizing and expanding private ones. While direct and indirect state assistance to such schools was significant in facilitating their formation and maintenance, the central reason for their growth was not the availability of state support but rather the determination of white parents to avoid desegregation at any cost. (p. 1441)

Perhaps the most well-documented case is that of Black families from Prince Edward County, Virginia, who were one of the original plaintiffs in the *Brown* (1954) case. The Prince Edward County Board of Supervisors decided not to levy local taxes for the 1959-60 school year. The Virginia General Assembly adopted a voucher policy offering families of children \$125 for elementary school and \$150 for high school tuition to attend nonsectarian private schools or another nearby public school. Many White citizens organized to raise funds, build, and privately operate private schools that would not admit Black students. The district remained closed for several years, while the voucher program served as a model for years to come in other southern states. Elsewhere in Virginia, two rural counties saw virtually all White students transfer into segregation academies. The subsidies were justified in local newspapers like *The Richmond News Leader* as documented by Orfield (1968),

The program continues to serve a worthy purpose in Southside and rural counties where the primary intention of white parents is to see that their children get an education among their own peers.... These people, humble folk most of them, consider that their parental duty to educate their children is too important to relinquish to Federal authority. (p. 343)

Other southern states adopted voucher policies and saw rapidly growing numbers of private schools and private school enrollment. For example, in 1955 the North Carolina General Assembly passed legislation that moved student enrollment decisions from the state to the respective county and city school boards, which made litigation more difficult because each district was now responsible for integration at the district level rather than the state (Wettach, 1956). The General Assembly also provided state grants to pay private school tuition for parents who did not want their children in an integrated school. Eighty-one new private schools opened in North Carolina between 1964 and 1970 with private school enrollment doubling during the same time (Terjen, 1971). Alabama had 65 new nonsectarian private schools open between April and September 1970 with private school enrollment doubling over 6 years (Terjen, 1971). Mississippi, Arkansas, Florida, Georgia, Louisiana, South Carolina, and Tennessee all saw dramatic shifts in private school enrollment (Champagne, 1973; Fuquay, 2002; Terjen, 1971). In 1971, *The New York Times* (Reed, 1971) reported that segregation academies were still on the rise with nearly 700 all White private schools being established in 11 states in the previous five years with the total enrollment between 450,000 to 500,000 students.

Friedman (1955) long acknowledged that vouchers were used as a part of a racist strategy to maintain segregation, noting,

I deplore segregation and racial prejudice... it is clearly an appropriate function of the state to prevent the use of violence and physical coercion by one group on another; equally clearly, it is not an appropriate function of the state to try to force individuals to act in accordance with my—or anyone else's—views, whether about racial prejudice...

As an economist at the University of Chicago, he lived within an urban and suburban context actively maintaining racial covenants and White vigilantism but offered limited insights into how

race and racism fit into his notions of markets and choice (Hale, 2024). Friedman (1955) said he preferred “forced nonsegregation” over “forced segregation” (footnote 2 in General Education for Citizenship section) and in full recognition that some Black children were unable to access any formal education as a result of voucher policies. He wrote, “Privately conducted schools can resolve the dilemma” because,

They make unnecessary either choice. Under such a system, there can develop exclusively white schools, exclusively colored schools, and mixed schools. Parents can choose which to send their children to. The appropriate activity for those who oppose segregation and racial prejudice is to try to persuade others of their views; if and as they succeed, the mixed schools will grow at the expense of the nonmixed, and a gradual transition will take place. So long as the school system is publicly operated, only drastic change is possible; one must go from one extreme to the other. (footnote 2 in General Education for Citizenship section)

Voucher legislation put forward in southern states clearly violated assumptions for obtaining efficient and valued outcomes despite Friedman’s theorizing. Black families had little to no access to private schools, they were not free to enter private schools, and few if any private schools serving Black children were established due, in part, to the high entry cost of starting new schools. The systematic denial of Black children with access to schooling or appropriately funded schools created significant negative externalities. Friedman’s (1952) argument that unfettered markets would lead to a “minimum level of schooling” (p. 89) with positive externalities was clearly incorrect and out of touch with reality given what transpired in the southern states over several decades. The inability to reconsider one’s argument in light of new and consistent evidence, we argue, is far more extreme and ideological when considering what was also happening in the South at the same time: ongoing violence and lynchings of innocent Black people and the well-documented murders of Black and White civil rights activists seeking to register voters so that all individuals could participate in democracy and persuade people to reject White supremacy (e.g., Dr. Martin Luther King Jr., Medgar Evers, Herbert Lee).

Vouchers failed to deliver an education marketplace for Black families, requiring government intervention. For example, in a federal report commissioned by the U.S. Commission on Civil Rights, Pendleton and colleagues (1983) concluded that, in Alabama, “it has become generally accepted that blacks attend public schools and whites attend private academies... a dual system in education still prevails...” (p. 82). The report recommended that the U.S. Department of Education “should review private academies receiving Federal funds... for compliance with Title VI of the Civil Rights Act of 1964 and initiate enforcement proceedings where violations are found” (p. 84). The U.S. Internal Revenue Service would eliminate the tax-exempt status of segregation academies as well as “gifts to such schools as charitable deductions for income tax purposes” (Terjen, 1971, p. 72). In 1976, the U.S. Supreme Court ruled on *Runyon v. McCrary* (1976), holding that private schools that discriminate based on race or establish racial segregation are in violation of federal law. The Court noted,

The prohibition of racial discrimination that interferes with the making and enforcement of contracts for private educational services furthers goals closely analogous to those served by § 1981’s [42 U.S.C. § 1981, 1982 popularly known as the Civil Rights Act of 1866] elimination of racial discrimination in the making of private employment contracts and, more generally, by § 1982’s guarantee that “a dollar in the hands of a Negro will purchase the same thing as a dollar in the hands of a white man.” 392 U.S., at 443 (*Runyon v. McCrary*, 1976, p. 179)

Thus, while the schools were private, the court ruled in line with the Ku Klux Klan Act and the *Jones v. Alfred H. Mayer Co.* (1968) decision that “purely private acts of racial discrimination” violated federal law (Leong & Belzer, 2017). Friedman’s ability to say he deplored racism on one hand while still advocating for vouchers on the other, even amid a clear lack of any marketplace where a dollar in the hand of a Black family was able to purchase the same as a dollar of a White family, would not be the last time voucher advocates would look past evidence of discrimination and clear market failures.

Second Wave: Sanitizing and Reframing Vouchers for Urban Districts

The second wave of voucher legislation emerged in the aftermath of *Runyon v. McCrary* (1976), as the overt use of vouchers to maintain racial segregation became legally untenable. In the second wave, voucher proponents reframed the policy as a response to concerns about educational quality and equity, drawing on evolving social science research but neglecting the documentation of harm throughout the Jim Crow South. Voucher advocacy was bolstered by increasing attention to stagnant student achievement scores starting in the mid-1970s, especially as researchers were beginning to use large, longitudinal quantitative datasets (e.g., Coleman, 1966). Leading up to the second wave, vouchers were also pitched as a liberal policy experiment to improve struggling urban school districts. Harvard University sociologist Christopher Jencks, working in the U.S. Office of Economic Opportunity (OEO), requested federal funding to establish six experimental school choice programs as a part of the War on Poverty. Between 1970 and 1972, OEO provided six school districts with grants to investigate the potential of implementing a voucher experiment providing schools with significantly greater autonomy.

Only Alum Rock, California, decided to move forward—a district with 25 schools serving 15,000 students. According to Levinson (1976), the aim of the voucher experiment in Alum Rock:

was to change the operation of a school system from a public monopoly—where central office administrators allocate resources and determine what kind of education is to be offered—to a market system, where parent choice determines the amount and variety of schooling. (p. 1)

The experiment lasted just three years and ultimately failed to produce a competitive marketplace (Levinson, 1976). The experiment also struggled with a variety of logistics in transforming the education landscape into a marketplace reflecting the experiment’s failure to establish several assumptions of a competitive market, especially the necessity of having many producers/schools and the maximization of goals for users (families) and producers (schools). In addition, while not an assumption of competitive markets, high-start-up costs for creating high-quality new schools, limits the potential for establishing a competitive marketplace.

Eventually, concern over test scores, rising inequalities, and other political forces led to the Reagan Administration’s controversial and consequential 1983 report, *A Nation at Risk*. The report used vivid language to conclude, “The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and people” (p. 112). In response, some reformers sought to improve the quality of public education through raising teacher salaries, merit pay, certification requirements, more standardized testing, and accountability policies. A few would go back to Friedman’s voucher argument and the creation of an education marketplace despite well-documented failures that ended less than a decade earlier.

Renewed efforts to promote vouchers emerged after research from famed sociologist James Coleman and colleagues’ (1982) study would bring about some renewed attention toward vouchers after reporting private schools educated students better than public schools when controlling for

differences in student characteristics. Just 12 years after the U.S. Supreme Court ruled in the *Runyon v. McCrary* (1976) case, Chubb and Moe (1988) replicated this research approach and used their findings to argue “public schools are quite literally at a systematic disadvantage” (p. 1067). Moreover, they argued that schools perform better when they have autonomy and flexibility, which was intruded upon when governments operate schools:

Private schools provide services in exchange for payment, and unless heavily subsidized from the outside, they must please their customers—students and parents—if they are to prosper. Whatever the constituency of the private school, therefore, it will surely be much smaller and more homogenous than the democratic constituency of the public school, and students and parents will occupy a much more central position within it. (pp. 1067-1068)

Chubb and Moe argued that an education marketplace allowed unhappy parents and students to exit and find another school when they were not pleased, which reinforced the creation and maintenance of schools that would sufficiently satisfy families while weeding out the schools that would not.

The research methodologies used by Coleman et al. (1982) and Chubb and Moe (1988) are now outdated (Powers & Potterton, 2017), and more recent studies that meet contemporary standards of evidence have reached strikingly different and consistently negative results when analyzing the impact of private schools on student outcomes (see e.g., Rouse & Borrow, 2009, or Enamorado, 2021, for reviews). Lubienski and Lubienski (2013) further documented how differences in achievement outcomes between public and private schools is largely a function of differing demographics, not a private school advantage. However, the limitations for the research approach—unknown at the time—supported an argument against public education as a primary institution. Yet, Chubb and Moe’s conclusions clearly failed to acknowledge how market theory failed to hold up in the South, in the conclusions of the U.S. Supreme Court’s majority opinion in *Runyon* (1976), and in the case of Alum Rock. Chubb and Moe’s conclusions also failed to acknowledge the role private schools have played in facilitating White flight in the wake of desegregation (Clotfelter, 1976; Reardon et al., 2006). Soon, a series of relatively small privately and publicly funded urban voucher programs would emerge.

The Milwaukee Parental Choice Program (MPCP) is possibly the most well-studied publicly funded voucher program. Welner and colleagues (2023) noted that the modern voucher movement began when MPCP was enacted by the Wisconsin State Legislature in 1990 and allowed a limited number of students living in Milwaukee and meeting certain criteria to attend a private, nonsectarian school within the city using a voucher. Students had to come from families not exceeding 1.75 times the national poverty line. The narrow criteria and size of the program is out of step with Friedman’s voucher proposal and market theory (e.g., many users/producers, users/producers free to enter and exit the market) perhaps reflecting some acknowledgement that educational markets had failed to produce improved outcomes in the past. Nevertheless, MPCP quickly evolved to include more students prior to clear evidence in support of the program.

Between 1990 and 1993-94, the total number of students in the program in any year was capped at 1% of the Milwaukee Public Schools’ (MPS) total enrollment. With little evidence of the program’s effectiveness, the number was increased to 1.5% in 1994-95 by the legislature reflecting what would become a reoccurring theme that voucher programs proliferate and grow without evidence of effectiveness. Public funds paid the participating private school an amount equivalent to the MPS per-pupil funding formula. Schools initially could not enroll more than 49% of voucher users as a part of their total enrollment, but the legislature changed this rule to 65% in 1994-95. Private schools had to admit voucher students without discrimination based on race, ethnicity, or

prior school performance, and students needed to be accepted on a random basis—a school that had high enrollment and few seats in a grade had to use random selection.

In 1990, a court exempted private schools from having to enroll students with disabilities—the first-time students with disabilities were referenced in any voucher policy or decision. Several assumptions of a competitive market are not met when considering the schooling of students with disabilities. Each child with a disability is unique and federal laws since 1975 (Education for All Handicapped Children Act later reauthorized as the Individuals with Disabilities Education Act) mandate that each child is provided with an individualized education program (IEP) that is designed to meet their unique needs. Thus, special education is not a homogenous product or service nor is it one where perfect information about it or alternatives are available. Yet, excluding students with disabilities violates another market assumption, free entry and exit into the market, harkening back to the discrimination in the South.

In 1995, more changes were made to MPCP without rigorous research documenting the program's effectiveness, allowing religious schools to enter the program, allowing students in grades K-3 already attending private schools to be eligible, and increasing the number of students allowed in the program over three years to a maximum of 15,000—up from roughly 1,500 in the prior years. The changes perhaps reflected an attempt to pull in more “users and producers” into the market. MPCP now allowed 100% of students in a private school to be voucher users but also eliminated data collection and evaluation criteria—instead requiring a report from the Wisconsin Legislative Audit Bureau. Eliminating these data collection mechanisms served to limit, rather than expand, families' access to information about the qualities of schooling options. Due to court filings, voucher students did not attend parochial schools until Fall 1998. For the first two decades of MPCP, participating private schools were not required to adhere to testing and reporting standards like public schools, even after the enactment of the No Child Left Behind Act.

Beginning in 2010-11, private schools participating in MPCP were required to annually test voucher students in Grades 3 through 8 and Grade 10 in reading and mathematics using the state mandated assessment. In addition, all test results were reported to the state and made available for public reporting purposes – this time reflecting the assumption that consumers have some, although limited, information on the quality of services. Several research teams examined MPCP, initially relying on data from the state's official evaluation (Greene et al., 1999; Rouse, 1998; Witte, 2001). In an early review of results, Witte (1998) found that some results were positive, some negative, and some could go either way—reflecting differing quality across public and private schools. In an updated analysis of the same program, Witte (2001) found no differences in student achievement outcomes between voucher-participating and public school students while Greene and colleagues (1999) found positive achievement impacts for voucher users who attended a small number of oversubscribed private schools. Witte's results would later be challenged, and another set of researchers would re-analyze data using randomized trials. In doing so, researchers identified large and significant learning gains for students using vouchers (e.g., Greene et al., 1999).

Several cities followed Milwaukee and enacted urban-based voucher programs, some of which were privately funded and therefore provided greater flexibility and fewer legal challenges (e.g., Washington Scholarship Fund founded in 1993 in Washington, DC; Parents Advancing Choice in Education Nonprofit founded in 1998 in Dayton, Ohio). For example, in New York City, the School Choice Scholarships Foundation (SCSF) was a private foundation started in 1997 initially offering 1,000 scholarships worth up to \$1,400 a year for three years to children attending kindergarten through fourth grade in New York City public schools and receiving free lunch. SCSF required that 85% of voucher recipients be from public schools in the bottom half of the city's schools test score distribution. The program selected voucher recipients through lotteries. Studies on

achievement of these programs at the time showed mixed results (Howell & Peterson, 2002; Krueger & Zhu, 2004). Through the 1990s, five additional voucher programs were enacted by state legislatures (1) Ohio: Cleveland Scholarship Program, enacted in 1995; (2) Arizona: Original Individual Income Tax Credit, enacted in 1997; (3) Minnesota: K-12 Education Credit (expanded from original 1955 tax deduction), enacted in 1997; (4) Illinois: Tax Credits for Educational Expenses, enacted in 1999; and (5) Florida: Opportunity Scholarship Program, enacted in 1999 (deemed unconstitutional in 2006). The slow incremental expansion of existing voucher programs and enactment of new programs would eventually create conditions for a new wave of voucher advocacy and policy.

Third Wave: Establishing a Legal and Financial Architecture for Large-Scale Vouchers

The third wave of voucher legislation begins in the early 2000s and is catalyzed by a series of U.S. Supreme Court decisions that dismantled key church-state barriers and from significant donor investments from right-wing billionaires. State legislation increasingly created larger voucher programs some of which targeted students with disabilities and other groups previously excluded—representing efforts to bring in more students. During this era, roughly between 2000 and the present, federal court decisions chipped away at the longstanding firewall between church and state, particularly the Establishment Clause of the First Amendment of the U.S. Constitution. The first significant case of the era focused on the Cleveland Scholarship Program (CSP), which was enacted in 1996 and provided students from low-income families with scholarships to be used for private schools. The CSP required that private schools accepting vouchers could not discriminate based on race, ethnicity, or religion—disability was not mentioned or considered protected. CSP allowed the voucher to be used at both secular and religious schools. The American Federation of Teachers and other organizations filed suit, but the program moved forward pending court rulings, including a 1999 Ohio State Supreme Court decision noting that the law did not violate the Establishment Clause of the US or Ohio constitutions. In 2002, the U.S. Supreme Court upheld the Ohio court's decision in *Zelman v. Simmons-Harris*, noting that CSP did not violate the Establishment Clause since parents were provided with a range of secular and religious private school options.

Between 2000 and 2009, 11 states and Washington, DC, passed voucher legislation that included CVs, TCs, and TDs. Ohio, Georgia, and Louisiana passed multiple programs during the decade. Ohio passed three CVs in the decade (Autism Scholarship Program, 2003; Jon Peterson Special Needs Scholarship Program, 2003; Educational Choice (EdChoice) Scholarship Program, 2005). Refer to Table 1 for a list of all 18 voucher programs that were enacted between 1999 and 2009—eight CVs and nine TCs, and one TD. During this time, none of the voucher programs were designed to be “universal” meaning that all students in the state would be eligible. Many of the programs targeted low-income students and five of the seven CVs were exclusively targeted toward students with disabilities. Only one peer-reviewed journal article included findings evaluating the impact of a private school voucher program (Indiana Choice Scholarship Program) on participating students with disabilities’ academic outcomes (Waddington & Berends, 2018).

The next two cases solidified the legality of TC-funded vouchers for private religious schools. In Arizona, a group of taxpayers challenged a state law providing TCs to individuals and businesses that donated to SGOs who provided scholarships to students who attended private schools, including private religious schools. The law was established in 1997 and allowed state residents to receive a dollar-for-dollar TC up to \$500 (or \$1,000 for married couples) for contributions to nonprofit organizations that provided scholarships to public school students who wanted to attend a private school. State residents could contribute to a variety of SGOs, including those that were secular (e.g., Montessori school) or religious (e.g., Catholic school). Plaintiffs claimed

the policy violated the Establishment Clause since it channeled public money to private religious schools. Ultimately, in *Arizona Christian Tuition Organization v. Winn* (2011), the U.S. Supreme Court decided that the plaintiffs did not have legal standing to bring the suit since they had not been injured by the opposing party.

A subsequent decision solidified TC-funded vouchers to be used in private religious schools in states with a Blaine Amendment—an amendment many states placed in their constitution to stop public funds from flowing into private religious schools. In 2015, the Montana legislature created a TC scholarship program allowing individuals and businesses to contribute up to \$150 to qualified scholarship organizations. The Montana Department of Revenue concluded that students could not use scholarships to attend religious schools because of the state constitution’s Blaine Amendment, which stated,

the legislature, counties, cities, towns, school districts and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies... to aid... any [organization] controlled in whole or in part by any church, sect. or denomination. (p. 1100)

Three families with children using the scholarship program sued and won the initial trial, before the Montana State Supreme Court struck down the entire TC scholarship program. Ultimately, the U.S. Supreme Court’s landmark decision in *Espinoza v. Montana Department of Revenue* (2020) prohibited the state from excluding students at private religious schools from a TC scholarship program.

Between 2010 and 2019, vouchers expanded at an even faster rate, as 32 unique voucher programs were adopted across 21 states plus Washington, DC. Of the 32 programs, 12 were CVs, 13 were TCs, six were ESAs, and one was a TD. Nine states passed multiple voucher policies during this time frame (Louisiana, Oklahoma, Indiana, Mississippi, New Hampshire, North Carolina, Wisconsin, Arizona, Florida). Refer to Table 1 for a list of each program, year enacted, and voucher type during this time. Finally, between 2020 and April 2024, 16 unique voucher programs were adopted across 14 states. Of these programs, one was a CV, five were TCs, nine were ESAs, and one was a combined ESA and TD program.

In 2022, the U.S. Supreme Court ruled on another case related to the First Amendment. *Carson v. Makin* (2022) centered on limits of vouchers in a Maine state law that gave parents tuition assistance to enroll a child in a public or nonreligious school of their choice if their town did not have a public high school. The case centered on the First Amendment’s Free Exercise Clause, which states in part that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” (U.S. Const. amend. I). The Court ruled that the Maine law was unconstitutional on the grounds that it violated the Free Exercise Clause in a 6-3 decision. The decision was partly based on the fact that the law allowed funds to go to nonreligious private schools but excluded religious private schools.

These rulings helped to bring more private schools into the marketplace, yet the rulings also came during a period when a growing empirical consensus indicated that large voucher programs failed to raise student achievement, and in some cases, had significant negative impacts. Studies included city voucher programs in Washington, DC (Dynarski et al., 2018) and New York City (Dynarski et al., 2018) and statewide programs in Louisiana, Indiana, and Ohio (Erickson et al., 2021; Figlio & Karbownik, 2016; Waddington & Berends, 2018). In a summary of evidence, Cowen (2023) noted that since about 2002,

No studies have consistently shown positive voucher impacts on test scores of students who use them. Over the last decade in fact, researchers have documented devastating impacts on student achievement. Four independent analyses in states with

at-scale voucher programs—Indiana, Louisiana, Ohio and Washington, DC—have shown some of the largest negative effects on record for education policy evaluation. The largest effects in Louisiana and Ohio are twice what some recent estimates of pandemic impacts on test scores provided. (p. 4)

In a report funded by the Fordham Institute, a pro-voucher conservative think-tank, Figlio and Karbownik (2016) reported on Ohio's EdChoice Scholarship Program, concluding that "students who use vouchers to attend private schools have fared worse academically compared to their closely matched peers attending public schools" adding that these negative effects "persist over time, suggesting that the results are not driven simply by the setbacks that typically accompany any change of school" (p. 2). The authors reported that these outcomes were "not expected" and "speculate" that negative effects could be related to a variety of different factors, including dissimilar curricular programs offered at private schools in comparison to public schools. Such speculations further highlight how education markets do not meet the assumption of a homogenous product or service. As we previously noted, no market is perfect, but the authors' possible explanations only clarify how education marketplaces continue to fail to meet many of the key assumptions of competitive markets.

Some quantitative researchers drawing from free market theories and pro-voucher advocacy groups offered a bevy of explanations for these findings, which included that voucher programs had poor monitoring and oversight, that only poorly performing private schools were willing to take on voucher students, or that the voucher programs were too new to demonstrate results (e.g., DeAngelis, 2020). Rarely do advocacy groups or researchers funded by such groups consider in their analysis or implications the persistent failure of vouchers to create a competitive education marketplace over previous decades or the limitations of early studies. Lubienski and Malin (2021) suggested an additional explanation, "earlier studies with positive results were overstated, or were artifacts of voucher advocacy that led to the funding and completion of those studies" (p. 743). Earlier studies also focused on smaller urban programs, increasing the likelihood that samples "were influenced by selection bias (through attrition)" (p. 743) which, by today's research standards, would be identified as a more serious concern for research design.

Despite findings that vouchers failed to deliver a competitive marketplace or improve educational outcomes, a broad coalition of organizations and voucher advocates continued to promote vouchers. The election of President Donald Trump in 2016 and his subsequent appointment of pro-voucher advocate Betsy DeVos as the U.S. Secretary of Education signaled a clear policy preference at the White House. Of note, during her Senate confirmation in 2016, DeVos was asked by Senator Tim Kaine, "Should all schools that receive taxpayer funding be required to meet the requirements of the Individuals with Disabilities Education Act" which DeVos replied, "I think that this is a matter best left to the states" (Strauss, 2017). Kaine's response was "So, some states might be good to kids with disabilities, and other states might not be so good? And then people can, what, just move around the country...?" DeVos repeated her answer about states making decisions. DeVos' failure to affirm parents' right to choice in a potential education marketplace is not surprising, given that vouchers have often been used as a tool to deny access to historically marginalized groups. Her remarks also clearly violate competitive market assumptions of freedom to enter the market. Instead, DeVos suggests parents could pick up and move to another state to find a school. Only those parents with the means might do so, assuming the education system is the only or most significant factor for a family living in one state versus another. Throughout President Trump's first presidency and President Biden's four-year term, reporters documented how millions in campaign donations surged from national and state-level pro-voucher

political action committees, including DeVos's American Federation for Children, to support or pass voucher legislation (e.g., Gillman, 2024; Heath, 2024; Schwartz, 2024).

Discussion

The purpose of this article was to provide a comprehensive review of voucher policies in the United States from 1869 to 2024 and examine the extent to which vouchers created competitive education marketplaces that produced efficient and valued outcomes. Early voucher programs in rural northeastern U.S. states had little to do with market theory and were oriented toward providing education in rural remote regions. Since the 1950s, however, Friedman (1955, 1962) and others advocated for vouchers to create an education marketplace that would improve educational outcomes. Without evidence, early advocates argued that a voucher to be used in private schools would create a competitive education marketplace that would be more efficient and produce better outcomes than the predominate public system that existed. We identified this era, from the 1950s into the mid 1970s, as the first wave of voucher policies. From the moment Friedman put forth his argument for vouchers, he was ignoring longstanding assumptions of competitive markets broadly understood in neoclassical economics. As we show through our historical analysis, vouchers immediately and consistently failed to produce a competitive marketplace across two decades in the South.

Voucher programs were created in the 1950s to enable parental choice for one segment of the market: Southern White parents able to leverage their economic and political power to maintain their preferred system of White Supremacy and racial segregation. The scope and scale of market failure was well-documented and produced significant negative externalities. Perhaps the worst example was in Prince Edward County, Virginia, where Black students were fully denied access to all formal public education over multiple years. Nearly two decades of segregation academies eventually ended following, not a market correction, but Internal Revenue Service investigations and U.S. Supreme Court decisions. Shockingly, amid such horrid outcomes of voucher policies, Friedman persisted with advocacy for vouchers unwilling or unable to acknowledge how, in practice, a competitive education marketplace never emerged. As Hale (2021) noted, “to claim that the origins of choice are not racist—as so many have done or continue to do—is to conceal a problematic and paradoxical development of school choice over time” (p. 4). Friedman’s persistent advocacy despite evidence of failure was a harbinger for future voucher advocates championing vouchers despite its failures.

In the second wave, a new set of voucher advocates emerged partly building on the work of Friedman. In this wave, vouchers’ racist history was sanitized and reframed as a policy tool to improve education in urban districts. First, in Alum Rock, a proposed voucher program never really got off the ground due to a lack of interest and significant implementation problems. Nearly a decade later, Chubb and Moe (1988) made arguments based on now-flawed analyses that private schools were the only way to improve the nation’s system of education. Both Chubb and Moe lived through the civil rights movement, studied politics and education, and had every opportunity to examine market failures with vouchers in the south. Yet, as researchers have documented, policy advocacy and development are not always advanced based on evidence but rather a bi-product of partisan politics (e.g., Cochran-Smith et al., 2013). MPCP emerged in 1990 allowing a limited number of students living in Milwaukee, meeting certain criteria, to be eligible for a voucher. Key assumptions of competitive markets were not a design feature of the program given the program’s initial size and other restrictions although the policy was quickly expanded over the next decade by the Wisconsin Legislature. Lawmakers initiated the changes before early studies revealed mixed and contested results. Several cities and states adopted smaller scale voucher policies during the 1990s,

which was the lead up to what we identified as our third wave of voucher legislation. Thus, from the 1950s through the 1990s, no voucher program was designed to meet assumptions of a competitive market, nor did outcomes clearly support vouchers as a way of improving student achievement for large groups of students at a city, regional, or state level.

In the third wave, the legal and financial architecture for large scale voucher programs were being set up beginning in the late 1990s and early 2000s, particularly as a series of U.S. Supreme Court decisions concluded that private school tuition assistance could not exclude private religious schools if assistance was given directly to parents or if vouchers are generally available to other private schools (see *Carson v. Makin*, 2022; *Zelman v. Simmons-Harris*, 2002). Vouchers expanded rapidly both in terms of overall policies, but also in the scale of the policy and who the policy would serve. States adopted universal vouchers, vouchers for students with disabilities, and, in some cases, states adopted multiple voucher policies (e.g., Arizona: Lexie's Law for Disabled and Displaced Students (2009); Georgia: Special Needs Scholarship Program (2007); Florida: Tax Credit Scholarship Program (2001); Minnesota: K-12 Education Credit (1997); Ohio: Cleveland Scholarship Program (1995)). As vouchers were proliferating, a growing research consensus emerged that large-scale voucher policies had significant negative achievement outcomes for voucher users (Dynarski et al., 2018; Erickson et al., 2021; Figlio & Karbownik, 2016; Waddington & Berends, 2018). Just as Friedman failed to acknowledge the failure of vouchers to create a competitive market or the harm of implementing voucher programs, so too did the most recent generation of voucher advocates. In the aftermath of another U.S. Supreme Court decision, *Citizens United v. Federal Election Commission* (2010), the court held that the First Amendment prohibits the government from limiting independent expenditures for public campaigns by corporations, non-profits, labor unions, or other entities. As a result, right-wing billionaires increased their campaign contributions throughout the decade despite voucher failures. Betsy DeVos, a major voucher advocate and campaign contributor to then President-Elect Donald Trump was appointed as the U.S. Secretary of Education, signaling an era where voucher policies and ideology outweighed clear evidence of failure.

From Friedman's initial arguments, vouchers have never held up to basic neoclassical economic assumptions of the free market, nor did his initial idea have any element of evidence to support the claim that a publicly-funded private school voucher system would improve academic achievement outcomes for students within a region or state. We acknowledge that a handful of studies or meta-analyses including earlier and smaller scale voucher programs, international programs, and those funded through private means have shown mixed results depending on how impact was assessed (e.g., Shakeel et al., 2021). We also recognize that depending on voucher program design, researchers have found that public schools have a reaction to voucher policies that led to small increases in student achievement (Akyol, 2016; Egalite & Mills, 2021). Yet, since the Civil Rights era, vouchers have led to significant discrimination and failed to deliver a competitive marketplace that meaningfully improves achievement outcomes for most students while a subset of education researchers, scholars, wealthy individuals, and associations have pushed for vouchers based on ideology—be it racism and White supremacy or an unfettered and ungrounded belief in the power of markets.

Our findings lead us to call for education policy researchers to further examine voucher policies, market theory, and the politics and power that influence legislation and elections in states across the nation. At minimum, we call on researchers to provide greater context when situating studies by acknowledging voucher policies full history and long-term failures to establish competitive marketplaces. Researchers and policy experts have increasingly raised concerns about the large sums of money funneling into choice and voucher-related state legislation (e.g., Cowen, 2024). More research is needed to track voucher policies, document campaign contributions from

voucher supporting groups, and better understand what happens when voucher policies are initiated in states (e.g., increases in the cost of tuition, primary beneficiaries of program; Hungerman & Rinz, 2016). Researchers might also consider examining vouchers and other market-oriented reforms with other frameworks, such as New Public Management and Black nationalism. Lastly, since policymakers may adopt voucher programs with unclear goals and modify them over time, researchers might also examine policy debates within states and justifications for enacting such policies.

We also believe our findings should provide self-reflection among education researchers and economists engaged in education policy research and the training of researchers. Several years ago, Hess (2018) observed, “Too many grad students are training to be education policy scholars in programs that cultivate expertise in research methods but not in the stuff of education.” Others within the field of economics have called for greater reflection about how students learn to apply theory, and whether graduate training encourages students to “converge on particular ways of seeing the world” (DeMartino, 2019, p. 14). Upon reviewing the history of vouchers and a growing research consensus that vouchers fail to raise achievement, we found ourselves wondering how so many education policy researchers and economists studying private school voucher policies in the 1990s to the present did not even briefly mention segregation academies when situating and framing their studies or incorporate even the most basic critique of market theory in education. Perhaps, as both Hess and DeMartino observe, graduate education programs are producing researchers narrowly focused on methods and models but not on the history of policies and the underlying theories that should inform any policy analysis or evaluation. Surely, private school vouchers are not the only example of a body of literature where many researchers have applied a narrow lens, so we hope that such shortcomings and reflections can lead to a higher quality of education policy research moving forward.

Conclusions

Markets have their place in creating conditions that can improve the lives of all Americans and we are quite happy with how the market has provided us with access to high quality cell phones, automobiles, televisions, and many other goods and services that we regularly rely on. The failure of vouchers is not the failure of neoclassical economics or market theory writ large, but rather the failure of voucher advocates and a small set of narrowly focused researchers to acknowledge how education and markets are not a match. Vouchers as a policy to improve the quality of publicly funded education has frequently failed and, in many cases, done great harm to children and communities. Perhaps, education marketplaces would have arisen if policymakers just developed better voucher policies that included common-sense reforms, such as stronger anti-discrimination provisions (e.g., requiring private schools to accept students regardless of income, disability status, or English proficiency), weighted funding formulas that provided larger vouchers to students from disadvantaged backgrounds to incentivize private schools to admit them, enhanced monitoring of racial and socioeconomic composition of voucher recipients and participating schools, and a greater focus on high academic standards and quality control in private schools. We do not think so and we doubt we will get the chance to evaluate such policies since newer voucher programs lack these design features.

We surmise that the persistent disregard of history, coupled with unexamined ideological commitments to market-based reforms, has enabled voucher supporters to advance political strategies that resist government oversight and reject common sense investments into improving the existing system of public education. Backed by well-funded advocacy organizations, these efforts have not led to better voucher designs or improved outcomes for students—they have diverted

attention away from strengthening public education, where investments are most needed. Ideology and other special interests may continue to push vouchers as part of a broader political agenda, but education researchers and economists conducting education policy research have the responsibility of designing studies rooted in historical facts and grounded in empirical evidence and sound knowledge of theory. While highlighting the concerns with vouchers, we must also remember how racism and other forms of marginalization have manifested within public education (Rooks, 2020). We hope this article pushes the field and the ideologues that persist in voucher advocacy to reconsider what they know and how they go about their business.

Acknowledgements

We are grateful for the support of Dr. Laura Torres for her data organizing and visualization support.

References

- Abrams, S. E., & Koutsavlis, S. J. (2023). *The fiscal consequences of private school vouchers*. Public Funds Public Schools.
- Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969).
- Andrews, K. (2002). Movement-countermovement dynamics and the emergence of new institutions: The case of “White Flight” schools in Mississippi. *Social Forces*, 80(3), 911-936. <https://doi.org/10.1353/sof.2002.0001>
- Akyol, M. (2016). Do educational vouchers reduce inequality and inefficiency in education? *Economics of Education Review*, 55, 149-167. <https://doi.org/10.1016/j.econedurev.2016.10.001>
- Baker, B., Black, D., Cowen, J., Green, P., & Jennings, J. L. (2025). *A framework for evaluating and reforming school vouchers*. (EdWorkingPaper: 25-1142). Annenberg Institute at Brown University: <https://doi.org/10.26300/cx43-tr11>
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Burke, L., & Greene, J. (2021). *The values-based case for school choice is also about the winning case*. American Enterprise Institute. Retrieved from ERIC: <https://files.eric.ed.gov/fulltext/ED616631.pdf>
- Carson v. Makin, 596 U.S. (2022).
- Champagne, A. M. (1973). The segregation academy and the law. *The Journal of Negro Education*, 42(1), 58-66. <https://doi.org/10.2307/2966792>
- Chubb, J. E., & Moe, T. M. (1988). Politics, markets, and the organization of schools. *American Political Science Review*, 82(4), 1065-1087. <https://doi.org/10.2307/1961750>
- Citizens United v. Federal Election Commission, 558 U.S. 310 (2010).
- Clotfelter, C. T. (1976). School desegregation, “tipping,” and private school enrollment. *Journal of Human Resources*, 28-50. <https://doi.org/10.2307/145072>
- Cochran-Smith, M., Piazza, P., & Power, C. (2013). The politics of accountability: Assessing teacher education in the United States. *Educational Forum*, 77(1), 6-27. <https://doi.org/10.1080/00131725.2013.739015>
- Coffey v. State Educational Finance Commission, 296 F. Supp. 1389 (1969).
- Coit v. Green, 404 U.S. 997 (1965).
- Coleman, J. S., Campbell, E. Q., Hobson, C. J., McPartland, J., Mood, A. M., Weinfeld, F. D., & York, R. L. (1966). *Equality of educational opportunity* (OE-38001). U.S. Department of Health, Education, and Welfare, Office of Education.

- Coleman, J. S., Hoffer, T., & Kilgore, S. (1982). *Public and private schools*. *Society*, 19(2), 4–9. <https://doi.org/10.1007/BF02733561>
- Cowen, J. (2023). *NEPC review: The Ohio EdChoice program's impact on school district enrollments, finances, and academics*. National Education Policy Center. <http://nepc.colorado.edu/thinktank/edchoice>
- Cowen, J. (2024). *The privateers: How billionaires created a culture war and sold school vouchers*. Harvard Education Press.
- Darwin, C. (1859). *On the origin of species by means of natural selection, or the preservation of favoured races in the struggle for life*. <https://darwinonline.org.uk/content/frameset?itemID=F373&viewtype=text&pageseq=1>
- DeAngelis, C. A. (2020). Do self-interested schooling selections improve society? A review of the evidence. In *School choice: Separating fact from fiction* (pp. 60–72). EdChoice. <https://www.edchoice.org>
- DeMartino, G. F. (2019). Training the 'ethical economist'. In W. Dolfsma & I. Negru (Eds.). *The ethical formation of economists*. Taylor & Francis.
- Dynarski, M., Rui, N., Webber, A., & Gutmann, B. (2018). *Evaluation of the DC opportunity scholarship program: Impacts two years after students applied*. [NCEE 2018-4010]. National Center for Education Evaluation and Regional Assistance.
- EdChoice. (2022). *The ABCs of school choice: The comprehensive guide to every private school choice program in America*. EdChoice. <https://www.edchoice.org/research/the-abcs-of-school-choice/>
- Egalite, A. J. (2013). Measuring competitive effects from school voucher programs: A systematic review. *Journal of School Choice*, 7(4), 443-464. <https://doi.org/10.1080/15582159.2013.837759>
- Egalite, A. J., & Mills, J. N. (2021). Competitive impacts of means-tested vouchers on public school performance: Evidence from Louisiana. *Education Finance and Policy*, 16(1), 66-91. https://doi.org/10.1162/edfp_a_00286
- Egalite, A. J., & Wolf, P. J. (2016). A review of the empirical research on private school choice. *Peabody Journal of Education*, 91(4), 441-454. <https://doi.org/10.1080/0161956X.2016.1207436>
- Enamorado, P. (2021, October 1). *The impact of voucher programs: A deep dive into the research*. Thomas B. Fordham Institute. <https://fordhaminstitute.org/national/commentary/impact-voucher-programs-deep-dive-research>
- Epplé, D., Romano, R. E., & Urquiola, M. (2021). Is education different? A review of the voucher literature and lessons for implementation. In B. P. McCall (Ed.), *The Routledge handbook of the economics of education*. Routledge. <https://doi.org/10.4324/9780429202520-7>
- Erickson, H. H., Mills, J. N., & Wolf, P. J. (2021). The effects of the Louisiana Scholarship Program on student achievement and college entrance. *Journal of Research on Educational Effectiveness*, 14(4), 861-899.
- Espinoza v. Montana Department of Revenue, 591 U.S. (2020).
- Figlio, D., & Karbownik, K. (2016). *Evaluation of Ohio's EdChoice Scholarship Program: Selection, competition, and performance effects*. Thomas B. Fordham Institute.
- Figlio, D. N., & Rouse, C. E. (2006). Do accountability and voucher threats improve low-performing schools? *Journal of Public Economics*, 90(1-2), 239-255. <https://doi.org/10.3386/w11597>
- Finn Jr., C. E., Hentges, C. M., Petrilli, M. J., & Winkler, A. M. (2009). What's the place of accountability in school voucher programs. *Education Digest*, 75(1), 13-15.

- Friedman, M. (1962). *Capitalism and freedom*. University of Chicago Press.
- Friedman, M. (1955). *The role of government in education*. University of Texas Archive. <https://la.utexas.edu/users/hcleaver/330T/350kPEEFriedmanRoleOfGovttable.pdf>
- Fuquay, M. W. (2002). Civil rights and the private school movement in Mississippi, 1964–1971. *History of Education Quarterly*, 42(2), 159-180.
- Gillman, T. (2024, March 1). TikTok billionaire spends millions on Texas candidates supporting school voucher efforts. *The Hechinger Report*. <https://hechingerreport.org/tiktok-billionaire-spends-millions-on-texas-candidates-supporting-school-voucher-efforts/>
- Gooden, M. A., Jabbar, H., & Torres, Jr, M. S. (2016). Race and school vouchers: Legal, historical, and political contexts. *Peabody Journal of Education*, 91(4), 522-536.
- Godwin, J., et al. v. Johnston County Board of Education, Civ. A. No. 2114 (1969).
- Greene, J. (2024). A vast right-wing conspiracy? *Education Next*, 24(4). <https://www.educationnext.org/a-vast-right-wing-conspiracy-book-review-the-privateers-josh-cowen/>
- Greene, J. P., Peterson, P. E., & Du, J. (1999). Effectiveness of school choice: The Milwaukee experiment. *Education and Urban Society*, 31(2), 190-213. <https://doi.org/10.1177/0013124599031002005>
- Green v. Connally, 330 F. Supp. 1150 (D.D.C. 1971).
- Green v. County School Board (1968). *Green v. County School Board of New Kent County*. 391 U.S. 430.
- Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964).
- Hale, J. (2021). *The choice we face: How segregation, race, and power have shaped America's most controversial education reform movement*. Beacon Press.
- Hale, J. (2024). Milton Friedman and racialized school choice ideology, 1945-1960. *American Educational History Journal*, 51(1), 3-24.
- Harris, D. N. (2024). How free market logic fails in schooling—and what it means for the role of government. *Educational Researcher*, 53(2), 111-122. <https://doi.org/10.3102/0013189X231216953>
- Heath, K. (2024, March 25). Is a 'school choice' proposal possible in Texas in 2025? How \$12M influenced GOP primaries. *Austin American-Statesman*. <https://www.statesman.com/story/news/politics/politifact/2024/03/25/school-choice-texas-greg-abbott-gop-primary-elections-money-influence/73059785007/>
- Henig, J. R. (1994). *Rethinking school choice: Limits of the market metaphor*. Princeton University Press.
- Hess, F. (2002). *Revolution at the margins: The impact of competition on urban school systems*. Brookings Institution Press.
- Hess, R. (2018, September 24). When education research training is like giving a power saw to a 5th grader. *Education Week*. <https://www.edweek.org/teaching-learning/opinion-when-education-research-training-is-like-giving-a-power-saw-to-a-5th-grader/2018/09>
- Howell, W. G., & Peterson, P. E. (2006). *The education gap: Vouchers and urban schools*. Brookings Institution Press.
- Howell, W. G., & Peterson, P. E. (2002). *The education gap: Vouchers and urban schools*. Brookings Institution Press. <https://eric.ed.gov/?id=ED465840>
- Hughes, S. A. (2006). "Moving My Mountain": Rural, Black, Southern Schooling. *Counterpoints*, 286, 19-48.

- Hungerman, D., & Rinz, K. (2016). Where does voucher funding go? How large-scale subsidy programs affect private-school revenue, enrollment, and prices. *Journal of Public Economics*, 136, 62-85. <https://doi.org/10.1016/j.jpubeco.2016.03.003>
- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (2004).
- Jabbar, H., Fong, C. J., Germain, E., Li, D., Sanchez, J., Sun, W. L., & Devall, M. (2022). The competitive effects of school choice on student achievement: A systematic review. *Educational Policy*, 36(2), 247-281. <https://doi.org/10.1177/0895904819874756>
- Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968).
- Keynes, J. M. (1926). The end of laissez-faire. In *The new republic*, Pt. I (pp. 13-15). Hogarth Press.
- Krashinsky, M. (1986). Why educational vouchers may be bad economics. *Teachers College Record*, 88(2), 139-151. <https://doi.org/10.1177/016146818608800207>
- Krueger, A. B., & Zhu, P. (2004). Another look at the New York City school voucher experiment. *American Behavioral Scientist*, 47(5), 658-698. <https://doi.org/10.1177/0002764203260152>
- Ladd, H. F. (2002). School vouchers: A critical view. *Journal of Economic Perspectives*, 16(4), 3-24. <https://doi.org/10.1257/089533002320950957>
- LaFleur, J. C. (2023). Centering race in contemporary educational privatization policies: The genealogy of US 'private school choice' and its implications for research. *Race Ethnicity and Education*, 26(2), 205-225. <https://doi.org/10.1080/13613324.2021.2008736>
- Lee v. Macon County Board of Education (per curiam) (1967). 267 F. Supp. 458. (M.D. Ala.).
- Leong, N., & Belzer, A. (2017). *Runyon v. McCrary and the mosaic of state action*. *Washington University Law Review*, 94(6), 1461-1508. https://openscholarship.wustl.edu/law_lawreview/vol94/iss6/6
- Levin, H. M. (2019). *Privatizing education: Can the school marketplace deliver freedom of choice, efficiency, equity, and social cohesion?* Routledge. <https://doi.org/10.4324/9780367098360>
- Levinson, E. (1976). *The Alum Rock voucher demonstration: Three years of implementation* (Rand Paper Series P-5631). Rand Corporation. <https://eric.ed.gov/?id=ED122430>
- Lubienski, C. A., & Lubienski, S. T. (2013). *The public school advantage: Why public schools outperform private schools*. University of Chicago Press.
- Lubienski, C., & Malin, J. R. (2021). Moving the goalposts: The evolution of voucher advocacy in framing research findings. *Journal of Education Policy*, 36(6), 739-759. <https://doi.org/10.1080/02680939.2020.1730977>
- MacLean, N. (2017). *Democracy in chains: The deep history of the radical right's stealth plan for America*. Viking Press.
- Merrifield, J. (2001). *The school choice wars*. R&L Education.
- Minnesota Legislature. (1955). *Minnesota Statutes: Chapter 744, Section 1, Item 19*. State of Minnesota.
- Mirowski, P., & Plehwe, D. (Eds.). (2015). *The road from Mont Pèlerin: The making of the neoliberal thought collective, with a new preface*. Harvard University Press.
- Montana Const., art. X, § 6.
- Nevin, D., & Bills, R. (1976). *The schools that fear built: Segregationist academies in the South*. Acropolis Books.
- Orfield, G. A. (1968). *The reconstruction of southern education: The schools and the 1964 Civil Rights Act*. (Doctoral dissertation, The University of Chicago).

- Pendleton, C., Smith, M., Berry, M., Ramirez, B., Ruckelshaus, J., & Saltzman, M. (1983). *Fifteen years ago... Rural Alabama revisited* (Clearinghouse Publication Number 82). United States Commission on Civil Rights.
- Poindexter v. Louisiana Financial Assistance Commission, 258 F. Supp. 158 (E.D. La., 1966).
- Porter, J. R., Howell, F. M., & Hempel, L. M. (2014). Old times are not forgotten: The institutionalization of segregationist academies in the American South. *Social Problems*, 61(4), 576-601. <https://doi.org/10.1525/sp.2014.11155>
- Powers, J. M., & Potterton, A. U. (2017). The case against private schools. In R. Fox & N. K. Buchanan (Eds.). *The Wiley handbook of school choice* (pp. 131-148). Wiley.
- Reardon, S. F., Yun, J. T., & Orfield, G. (2006). *Private school racial enrollments and segregation*. The Civil Rights Project, Harvard University.
- Reed, R. (1971, August 29). White academies thrive in South. *New York Times*. <https://www.nytimes.com/1971/08/29/archives/white-academies-thrive-in-south-but-fewer-pupils-flee-the.html>
- Rouse, C. E., & Barrow, L. (2009). School vouchers and student achievement: Recent evidence and remaining questions. *Annual Review Economics*, 1(1), 17-42. <https://doi.org/10.1146/annurev.economics.050708.143354>
- Rooks, N. (2020). *Cutting school: The segrenomics of American education*. The New Press.
- Runyon v. McCrary, 427 U.S. 160 (1976).
- Schwartz, J. (2024, June 21). Texas is the largest GOP stronghold without pro-school voucher legislation. Gov. Abbott is on a crusade to change that. *ProPublica*. <https://www.propublica.org/article/texas-greg-abbott-crusade-for-school-vouchers>
- Segregation Academies and State Action. (1973). *Yale Law Journal*, 82(7), 1436-1471. <https://doi.org/10.2307/795573>
- Shakeel, M. D., Anderson, K. P., & Wolf, P. J. (2021). The participant effects of private school vouchers around the globe: A meta-analytic and systematic review. *School Effectiveness and School Improvement*, 32(4), 509-542. <https://doi.org/10.1080/09243453.2021.1906283>
- Smith, A. (1776). *An inquiry into the nature and causes of the wealth of nations*. Oxford University Press.
- Strauss, V. (2017, February 7). Betsy DeVos confirmed as education secretary after historic Senate vote. *The Washington Post*. <https://www.washingtonpost.com>
- Smith, A. (1776/2008). *An inquiry into the nature and causes of the wealth of nations* (K. Sutherland, Ed.). Oxford University Press.
- Stanford, L. (2023, June 15). 6 more states will soon let almost all students attend private school with public money. *Education Week*. <https://www.edweek.org/policy-politics/6-more-states-will-soon-let-almost-all-students-attend-private-school-with-public-money/2023/06>
- Suitts, S. (2020). *Overturning Brown: The segregationist legacy of the modern school choice movement*. NewSouth Books.
- Terjen, K. (1971). The segregation academy movement. In *The South and her children: School desegregation 1970-1971* (pp. 69-79). Southern Regional Council. (Cited in Champagne, A. M. (1973). *The segregation academy and the law*. *Journal of Negro Education*, 42(1), 58-66.)
- Time. (1969, November 14). *Private schools. The last refuge*. <https://time.com/archive/6634459/private-schools-the-last-refuge/>
- U.S. National Commission on Excellence in Education. (1983). *A nation at risk: The imperative for educational reform*. U.S. Department of Education.

- United States Government Accountability Office. (2018). *Private school choice: Requirements for students and donors participating in state tax credit scholarship programs* (GAO Publication No. GAO-18-679). U.S. Government Accountability Office.
- Waddington, R. J., & Berends, M. (2018). Impact of charter school competition on traditional public schools. *Educational Evaluation and Policy Analysis*, 40(1), 79–105. <https://doi.org/10.3102/0162373717737317>
- Welner, K., Orfield, G., & Huerta, L. (2023). *The school voucher illusion: Exposing the pretense of equity*. Teachers College Press.
- Wettach, R.H. (1956). North Carolina school legislation-1956. *North Carolina Law Review*, 35(1). <http://scholarship.law.unc.edu/nclr/vol35/iss1/4>
- Williamson, D. G. (2024). *Segregation academies: The effect of “Whites Only” private education on public schools*. Working Paper. https://danielcwgw.github.io/assets/files/williamson_segac.pdf
- Wilson, T. (2023). *School dollars diverted in 2023: A scan of private school voucher legislation in the United States South*. Intercultural Development Research Association (IDRA). https://www.idra.org/education_policy/school-dollars-diverted-in-2023
- Witte, J. F. (1998). The Milwaukee voucher experiment. *Educational Evaluation and Policy Analysis*, 20(4), 229–251. <https://doi.org/10.3102/01623737020004229>
- Witte, J. F. (2001). *The market approach to education: An analysis of America's first voucher program*. Princeton University Press.
- Zelman v. Simmons-Harris, 536 U.S. 639 (2002).
- Zernike, K. (2000, September 15). New doubt is cast on study that backs voucher efforts. *New York Times*. <https://www.nytimes.com/2000/09/15/us/new-doubt-is-cast-on-study-that-backs-voucher-efforts.html>

About the Authors

David E. DeMatthews

The University of Texas at Austin

ddemattews@austin.utexas.edu

ORCID <https://orcid.org/0000-0001-7442-8454>

Dr. David E. DeMatthews, PhD, is the W.K. Kellogg Endowed Professor of Educational Leadership at the University of Texas at Austin. He is the founder of the Texas Education Leadership Lab. His research primarily focuses on district and school leadership although he has also examined the impact of school choice policies on public schools and historically marginalized students.

Torri D. Hart

The University of Texas at Austin

Torri.hart@austin.utexas.edu

ORCID <https://orcid.org/0009-0006-7066-6061>

Torri Danny Hart is a doctoral candidate in educational leadership and policy at The University of Texas at Austin. Her research identifies the leadership practices educational leaders (e.g. superintendents, principals) use to create equitable, inclusive school systems and examines the complex contexts educational leaders navigate in doing this work. She aspires to support educational leaders, largely in rural spaces, in meeting the diverse needs of students with disabilities.

David S. Knight

University of Washington

dsKnight@uw.eduORCID <https://orcid.org/0000-0002-4067-155X>

Dr. David S. Knight, PhD, is Director of the Center for the Study of Teaching and Policy and the Center for Early Childhood Policy and Equity at the University of Washington College of Education and serves as associate professor of education finance and policy. His research examines school finance, educator labor markets, and economic evaluation.

education policy analysis archives

Volume 33 Number 52

September 2, 2025

ISSN 1068-2341



Readers are free to copy, display, distribute, and adapt this article, as long as the work is attributed to the author(s) and **Education Policy Analysis Archives**, the changes are identified, and the same license applies to the derivative work. More details of this Creative Commons license are available at

<https://creativecommons.org/licenses/by-sa/4.0/>. **EPAA** is published by the Mary Lou Fulton Teachers College at Arizona State University. Articles are indexed in CIRC (Clasificación Integrada de Revistas Científicas, Spain), DIALNET (Spain), [Directory of Open Access Journals](#), EBSCO Education Research Complete, ERIC, Education Full Text (H.W. Wilson), QUALIS A1 (Brazil), SCImago Journal Rank, SCOPUS, SOCOLAR (China).

About the Editorial Team: <https://epaa.asu.edu/ojs/index.php/epaa/about/editorialTeam>

Please send errata notes to Jeanne M. Powers at jeanne.powers@asu.edu

Ms. BONAMICI. Thank you. Dr. Brumley claimed that yes, your State was not affected by cuts to Federal funding. A recent article in KPEL Lafayette News revealed that a superintendent was discussing finding the challenges of the Federal funding freeze, and said it really caught them off guard, and I would like to introduce that into the record as well.

Chairman KILEY. Without objection.

[The information of Ms. Bonamici follows:]

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Maybe Later Continue

ACADIANA SCHOOLS BRACE FOR DEEP CUTS AS CONGRESS SLASHES EDUCATION FUNDING

Joe Cunningham | Published: July 3, 2025

no/pompan

SHARE ON FACEBOOK

SHARE ON TWITTER

FEATURED



TOP 5 LOUISIANA ST CAMPGROUNDS ACX

Highlights

- The One Big Beautiful Bill Act threatens federal funding for Acadiana school districts, already grappling with a \$7 billion freeze in education grants
- Title I funding cuts would hit Lafayette, St. Martin, Vermilion, and Acadia parishes hard, as many schools serve high-poverty student populations
- After-school programs serving 22,000 Louisiana students statewide could disappear, potentially closing three Boys & Girls Clubs sites in the Acadiana region
- Federal voucher tax credits would pull additional funding from public schools while expanding private school access for some families
- Teacher training programs and literacy coaches are helping struggling readers face elimination just as schools prepare for fall classes



kpel705.com

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Search icons: magnifying glass, YouTube, Facebook, X, RSS, and a "Sign Up" button.

The #1 Most Stolen
Will Surprise You (I
Think)
BLISSY

Acadiana Schools Brace for Federal Funding Cuts Under 'One Big Beautiful Bill'

Local districts could lose millions in Title I funding while new voucher programs redirect taxpayer dollars to private schools

LAFAYETTE, La. (KPEL News) - Acadiana school districts are preparing for substantial cuts to federal education funding as Congress advances the One Big Beautiful Bill Act. The legislation would eliminate billions from programs supporting low-income students, teacher training, and after-school care.

According to the Learning Policy Institute, Louisiana stands to lose more than \$109 million in federal K-12 education funding should the legislation pass. This money directly supports thousands of students across Lafayette, St. Martin, Vermilion, Acadia, Iberia, and St. Landry parishes.



Get our free mobile app

Enter mobile number

The proposed cuts arrive as Louisiana schools already struggle with the Trump administration's decision to withhold nearly \$7 billion in education grants. In recent reports, these funds were scheduled for distribution to states on July 1. The funding freeze has forced superintendents to revise budgets and consider program cuts weeks before the new school year.

Title I Funding Cuts Would Hit High-Poverty Schools

The One Big Beautiful Bill Act's greatest impact on Acadiana schools would come through reductions to Title I funding. This federal program provides supplemental resources to schools serving large numbers of low-income students. According to the Committee for a Responsible Federal Budget, the legislation includes substantial cuts to education spending that would affect Title I schools most severely.

Lafayette Parish operates dozens of schools that qualify for Title I funding based on high percentages of students eligible for free and reduced-price lunch. These schools use federal dollars to employ reading specialists, math interventionists, and fund extended learning programs that help close achievement gaps for students from low-income families.





LPSS

"This puts every district in a really difficult spot," St. Tammany Parish Superintendent Frank Jabbia told [The Advocate](#) regarding the current funding freeze. "It really caught us all off guard."

Rural parishes in the Acadiana region face steeper challenges. St. Martin, Vermilion, and Acadia parishes operate smaller school systems with limited local tax bases. These districts depend more heavily on federal support to maintain basic services.

After-School Programs Could Disappear

Families would feel immediate effects from the elimination of after-school and summer learning programs funded through the 21st Century Community Learning Centers program. [According to education advocates](#), about 22,000 Louisiana students currently attend programs funded by these grants. The programs provide homework help, recreational activities, and affordable childcare for working families.

The cuts could force the closure of after-school programs at three Baton Rouge area schools operated by Boys & Girls Clubs of Metro Louisiana, which serves about 500 students. Angel Nelson, president and CEO of the organization, told [The Advocate](#) that families pay just \$25 per year for services that include homework help, sports, art activities, and dinner.

"Now we're not going to be able to give kids a safe place to learn and grow," Nelson said. "It's going to be devastating."

Similar programs operate throughout Acadiana, providing essential support for working families in Lafayette, Iberia, and other parishes. The loss of federal funding would leave many parents searching for affordable childcare options while eliminating academic support that helps students improve their learning.

Teacher Training and Support Programs Face Elimination

The One Big Beautiful Bill Act would eliminate Title II funding completely. This action would remove the primary federal program that supports teacher professional development and training. [Education analysts](#) believe the House version of the bill cuts \$2.19 billion from the Supporting Effective Instruction State Grants program.



Acadiana schools would lose full-time instruction. Districts would also lose subjects like math and science,

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

ve reading
g in

Ivann Aleksic, Unsplash

Louisiana education officials have reduced teacher vacancies from 2,520 two years ago to around 1,100 currently. Most remaining openings exist in high school-level subjects like chemistry, physics, and foreign languages. The elimination of federal training support could reverse progress in recruiting and retaining qualified educators.

The cuts also affect special education services. Federal IDEA funding helps pay for literacy coaches and intervention specialists who support students with disabilities. Rural districts in Acadiana that struggle to attract specialized personnel would face particular difficulties maintaining these services.

Higher Education Changes Affect Local Students

Students at the University of Louisiana at Lafayette, LSU Eunice, and other regional institutions would encounter new restrictions under the One Big Beautiful Bill Act's higher education provisions. [According to education policy experts](#), the legislation would limit annual financial aid and eliminate subsidized loans that do not accrue interest while students are enrolled.

The bill would cap undergraduate borrowing at \$50,000 over a student's lifetime and eliminate Grad PLUS loans for graduate students. Students pursuing teaching degrees at UL Lafayette or other education programs could find it harder to afford the extended preparation required for educator certification.

Community colleges like South Louisiana Community College, which provides workforce training aligned with regional industries, could see reduced enrollment as students face new borrowing limits and stricter Pell Grant requirements.

SIGN UP FOR THE NEWS TALK 96.5 KP&L NEWSLETTER

Email Address

School Voucher Expansion Raises Funding Questions



While cutting traditional education funding, the state's new credit voucher program similar to the one in Louisiana would use revenues available for public education to fund scholarships.

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

onal tax
state

Getty Images

Louisiana already operates several voucher programs, including the Louisiana Scholarship Program and a newer education savings account program. The federal legislation could expand these options while reducing the overall funding available to public schools through state formulas.

Education advocates express concern that voucher expansion, combined with federal funding cuts, could create a two-tiered system. Families with means could access private schools through vouchers, while public schools serving the most vulnerable students lose resources.

Medicaid Cuts Threaten School Health Services

The One Big Beautiful Bill Act includes \$863 billion in Medicaid cuts over ten years that could affect school-based health services throughout Louisiana. [According to health policy analysts](#), schools rely on Medicaid reimbursements to fund nursing staff, mental health services, and specialized support for students with disabilities.

Many Louisiana schools serve rural communities where students may not have easy access to healthcare outside of school. The loss of Medicaid funding could force districts to eliminate school nurses or reduce health services just as students return from summer break.

Special education services would experience particular strain. Schools use Medicaid funds to help pay for speech therapy, occupational therapy, and other specialized interventions required under federal disability law.

Local Response and Budget Planning

Louisiana superintendents are working to assess the potential impact of federal funding cuts while addressing the immediate crisis of withheld grant money. School boards across the region have

special meetings to discuss bu

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

News via YouTube

Louisiana Superintendent of Education Cade Brumley has supported the Trump administration's review of federal education programs. He said the "temporary review" would ensure tax dollars positively impact Louisiana students. However, local education leaders express frustration with the lack of clarity about when frozen funds might be released.

Some districts are exploring consolidation of programs or partnerships with neighboring systems to maintain services despite reduced funding. Others are reaching out to local businesses and community organizations to help fill gaps left by federal cuts.

Timeline and What Comes Next

The One Big Beautiful Bill Act passed the House in May and [according to recent reports](#) passed the Senate on July 1 in a narrow 51-50 vote. The legislation now returns to the House for final approval before reaching President Trump's desk.

Should the bill become law, many of the education cuts would take effect for the 2025-26 school year. Some changes to higher education programs could begin sooner. The immediate impact of the current funding freeze continues to affect summer programs and fall planning.



Get our free mobile app

Enter mobile number

Education advocacy groups are encouraging parents and community members to contact their representatives about the importance of federal education funding. The Louisiana Association of School Superintendents and other organizations are working to provide lawmakers with data about the of proposed cuts.

MOST FEARED WEATHER EVENTS IN LOUISIANA

An unscientific poll revealed that south Louisiana residents are most fearful of these weather ev



Honorable Mentions

I'm compelled to include the following in this list, simply because these answers to the question "What weather event or natural disaster scares you most?" were so clever.

- A mother's wrath
- Jim Cantore
- The government

There are always a few in the bunch. And that's what makes us smile!



7 - Sinkhole

In 2012, a sinkhole in Bayou Corne
domes underground began collaps
away. A few people in the unoffici

Subscribe to KP&L 96.5 for the latest news and
information that matters to you.
Unsubscribe anytime from your browser settings.

when salt
ughed

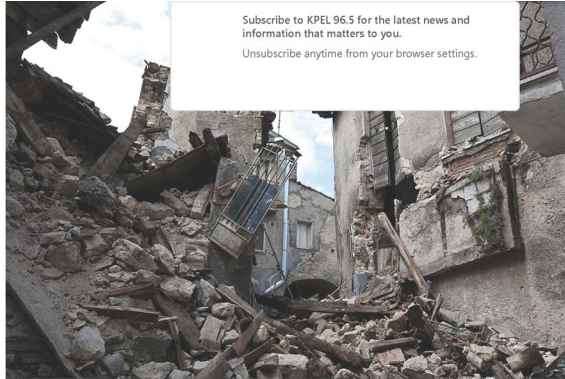


Canva

6 - Lightning

Astraphobics fear lightning, and a couple of those folks make our list. They aren't alone. **Lightning** is one of the things most feared by humans in general! South Louisianans know that lightning means a storm is a bad one, even if there's no rain.





Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Canva

5 - Earthquake

The photo depicts the aftermath of an earthquake. It's understandable that folks are terrified of them. Can you imagine the very ground under your feet becoming unstable, and the ceiling and walls falling? And there's nothing you can do to stop it and nowhere you can hide from it? Pretty scary!

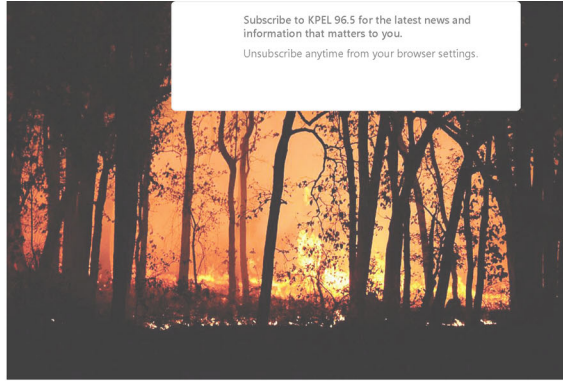


Canva

4 - Tsunami

Fortunately, south Louisianans haven't dealt with a true tsunami. However, local meteorologists have often described the storm surge expected from a hurricane as "a wall of water." A tsunami, by NOAA's definition, is a wave "caused by earthquakes or volcanic eruptions under the sea." Regardless, they are terrifying!





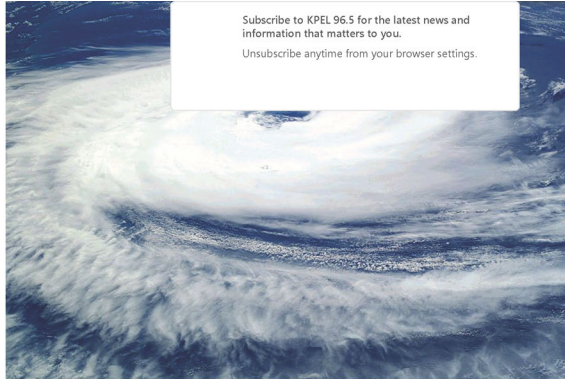
Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Canva

3 - Wildfire

Until recently, we in south Louisiana were blissfully unaware of how devastating wildfires are. The extreme drought we experienced in 2023 taught us that these weather-related events extend far past California. Several large-scale fires broke out in the summer, and the largest of these spread smoke across the southern quarter of the state. Fire eats everything in its path, and we are thankful for the first responders who were able to contain it.





Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Canva

2 - Hurricane

South Louisiana folks are no strangers to hurricanes, which might explain their fear. Living through a storm and dealing with the aftermath brings a feeling of dread to everyone who has experienced both. From the howling wind and driving rain to the lack of electricity and blue-tarped roofs, none of us are fans. They terrify others. What's more, watching one make its crawl toward its destination is like being stalked by a turtle.



Canva

1 - Tornado

A whopping 70% of the people in south Louisiana who responded feared a tornado more than any other event. Lilapsophobia is a fear of tornadoes and hurricanes. Nearly all of them shared that the unpredictable nature of tornadoes scares them the most. Unfortunately, we don't have tornado sirens here. Thank goodness for the sirens.



Filed Under: Education, Louisiana
Categories: Education, Louisiana

Subscribe to KP&L 96.5 for the latest news and information that matters to you.
Unsubscribe anytime from your browser settings.

Urologist Reveals: The Natural Fix for ED
Big Pharma Hopes You Never See (Watch)
ALLHEALTHTIPS

Belly Fat's Worst Enemy? Try This 4-
Ingredient Pink Salt Recipe!
NEW MEDICAL BREAKTHROUGHS

Why Pink Salt is Called "Belly Fat's Silent
Killer" by Us Doctors?
TRUE NUTRA LIFE

Those Revolutionary Veneers Just Got
20x Cheaper - Here's How
SHINY SMILE

This Witch Doorplate is a Must-Have in
Any Home
RIBILI

Discover The Benefits of Electric Nail
Clippers
FUNFANY

The Handcrafted Octopus Plate Taking
American Kitchens by Storm
RIBILI

Brain Reset Finally Silences Ringing Ears
BRAIN DEFENDER

Seniors Born 1939-1969 Receive 11
Benefits This Month If They Ask
SUPER SAVING ONLINE

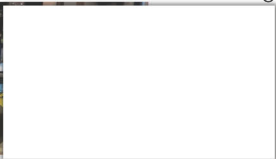
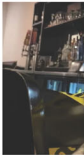
Powered by RevContent



Fox Nation - Sponsored
New Season of God Family Football on Fox
Nation

Watch

MORE FROM NEWS TALK 96.5 KP&L



Louisiana Parents: Dangerous \$3 Shein Toy Recalled After Violating Child Safety Laws



Louisiana Woman Goes Shopping in Ville Platte, Discovers Vehicle Stolen



Louisiana Officials Alerting Public about Endangered and Missing Child



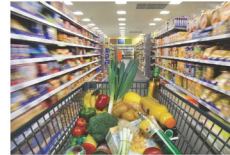
Louisiana Jury Convicts Abbeville Man of Heinous Child Pornography Charges



Shocking Louisiana Arrest: Attorney General Office Alleges Man Had Child Porn...



Louisiana Restaurant Loses Liquor License After Hosting Sunday Church Services



Popular Food Products Discontinued in 2025: What Louisiana Shoppers Need to...



INFORMATION

Equal Employment Opportunities
Marketing and Advertising Solutions
FCC Applications
Report an Inaccuracy
Terms
Contest Rules
Privacy Policy
Accessibility Statement
Exercise My Data Rights
Do Not Sell or Share My Personal Information
Contact

FOLLOW US





© 2025 KPL 96.5, Townsquare Media, Inc. All rights reserved.

Ms. BONAMICI. Thank you. You know the American public school education system faces challenges no doubt, but with 90 percent of our students enrolled, it will always be the foundation on which to build our Nation's future. We need these long-term investments, and the research to get students on track to success, but also ready for the future.

We looked at the proliferation, for example, of artificial intelligence in schools, and the workforce. That means we need to instill creative critical thinking as Representative Burgess mentioned. It is important to educate critical thinkers. Years of research shows

that students who have arts education do better in other academic subjects and are more likely to stay in school.

For those of you who want to see academic achievement and improvement, I invite you to join on my bipartisan Arts Education for All Bill. When we think about NAEP scores, those are test scores. Keep in mind there is a mental health crisis in our Nation's schools.

A North Carolina publication recently revealed that nearly 1 in 5 adolescents in North Carolina suffered from depression, and 1 in 10 of the high school students there reported attempting suicide. Colleagues, this is a serious issue we should be grappling with as well.

Also, Dr. Brumley, you said parents want their kids to be safe. Absolutely they do. After the school shooting at St. Helena High School in Greensburg, Louisiana, a high school student said my generation is being forced to normalize living and learning in constant fear of gunfire ringing out in our schools.

Students who are worried about being gunned down in their classroom are in survival mode, they are not focused on getting good test scores. Students who live in fear of ICE raids, as Representative Lee mentioned, coming into their school and taking their classmates.

They will have trouble focusing on learning, reading and math. Finally, Mr. Chairman, I hope we can work together to fix our crumbling school buildings, so that every child, regardless of their background or their income, can learn in a place that reinforces to them that they have a bright future.

Thank you, I look forward to continuing the conversation on these important issues, and I yield back the balance of my time.

Chairman KILEY. Thank you very much. I want to say thank you again to our truly outstanding witnesses. I think this was a very important hearing, and I want to also thank members on both sides for the thoughtful questions, while we might not agree on every issue, there seems to be quite a bit of agreement that the reading wars are over, that we need to return to teaching foundational literacy and foundational numeracy.

I think we have three takeaways from today's hearing. No. 1 is the stakes. We heard from Ms. Roughton that two thirds of kids are not reading at proficiency right now. We also heard from Dr. Wingfield, that if you do not read at a proficient level by third grade that you are four times more likely to drop out of high school.

The second takeaway is the science. Ms. Roughton said, "We know what works, but it just has not been fully implemented across the country." Dr. Brumley in Louisiana is calling this a back-to-basics approach that involves building foundational literacy and numeracy skills.

Dr. Harrison, in his district in Alabama, has stressed the importance of making data base decisions. I think you said that you eat, sleep and breath data when it comes to how to best assist students.

Then a third takeaway is the path forward because we have seen from the record of our witnesses today that we really can be phenomenal results when these things are taught in the right way, so

Dr. Brumley's State of Louisiana has moved from 50th to 16th in literacy in a relatively short amount of time.

In Dr. Harrison's district in Alabama, 257 out of 262 third graders actually met proficiency levels, which is you know, miles ahead of the national average. It is my hope that the work that you have done, and the work that Ms. Roughton's group is doing at schools across California and across the country, as you have shared today, can serve as an inspiration to school leaders and policymakers throughout the country.

That young people can learn the skills they need early on to go from learning to read to reading to learn and can learn the foundational math skills that are necessary for the workplace, and to navigate a complex world. If we can do that, then we can reverse our Nation's educational decline. We can help millions of kids have better lives, and our country will be a lot better off for it.

Without objection, there being no further business, the Committee stands adjourned.

[Whereupon, at 12:01 p.m., the Subcommittee was adjourned.]

[Additional submissions from Representative Lee follows:]

South Carolina Law Review

Volume 73
Issue 3 *William Hubbard Education and Law*
Symposium

Article 9

Spring 2022

**School District Secession in Mobile County, Alabama: A Case
Study of Adaptive Discrimination and Threats to Multiracial
Democracy**

Sarah Asson

Erica Frankenberg

Follow this and additional works at: <https://scholarcommons.sc.edu/sclr>

 Part of the [Education Law Commons](#), [Law and Race Commons](#), and the [Legal History Commons](#)

Recommended Citation

Asson, Sarah and Frankenberg, Erica (2022) "School District Secession in Mobile County, Alabama: A Case Study of Adaptive Discrimination and Threats to Multiracial Democracy," *South Carolina Law Review*. Vol. 73: Iss. 3, Article 9.

Available at: <https://scholarcommons.sc.edu/sclr/vol73/iss3/9>

This Article is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Law Review by an authorized editor of Scholar Commons. For more information, please contact digres@mailbox.sc.edu.

**SCHOOL DISTRICT SECESSION IN MOBILE COUNTY, ALABAMA:
A CASE STUDY OF ADAPTIVE DISCRIMINATION AND
THREATS TO MULTIRACIAL DEMOCRACY**

Sarah Asson^{*} & Erica Frankenberg^{**}

White families' resistance to school desegregation in Mobile County, Alabama, has existed since Brown v. Board of Education and has adapted since the era of court-ordered desegregation. That resistance remains present to this day. Mobile County Public School System (MCPSS), once a countywide school district, was under court order from the time Birdie Mae Davis v. Board of School Commissioners of Mobile County was filed in 1963 until the district was declared unitary in 1997. Beginning in 1963, when one MCPSS school was among the first in the state to be desegregated, there was staunch resistance to school desegregation by both White families and school leaders—largely permitted by the district court judges overseeing the case—which persisted through the duration of the case. Levels of racial and economic segregation in the county's schools remained high even as the district was released from court oversight, as the district court judge responded to changing federal jurisprudence. Within the post-unitary context, school district secession has emerged in Mobile County as a new, seemingly race-neutral but essentially race-evasive mechanism to maintain segregation. Since 2006, three municipalities within the county have formed their own independent school systems. Though stakeholders relied on largely race-evasive language to argue in favor of secession, their arguments mirror those arguments historically used to resist court-ordered desegregation, and the effects of the splits are clearly racialized and perpetuate patterns of segregation. The maintenance of segregation over the past several decades undermines goals of integration and social cohesion necessary for a functioning multiracial democracy.

^{*} Doctoral student in the Department of Education Policy Studies at Pennsylvania State University. Her research interests include patterns of segregation and inequality in K-12 schools as well as policy and legal solutions to foster true integration.

^{**} Professor of Education and Demography and Director of the Center for Education and Civil Rights at Pennsylvania State University. Her research interests focus on racial desegregation and inequality in PK-12 schools, and the connections between school segregation and other federal, state, and metropolitan policies.

676	SOUTH CAROLINA LAW REVIEW	[VOL. 73: 675
I.	INTRODUCTION.....	676
II.	THE THREATS OF SCHOOL SEGREGATION TO DEMOCRACY.....	678
III.	MODERN FORCES MAINTAINING SEGREGATION.....	682
A.	<i>Educational Boundary Lines</i>	682
B.	<i>Adaptive Discrimination</i>	685
IV.	THE FORCES MAINTAINING SCHOOL SEGREGATION IN MOBILE COUNTY.....	689
A.	<i>Demographic Context</i>	690
B.	<i>Resistance to Court-Ordered Desegregation</i>	693
C.	<i>Processes of School District Secession</i>	700
1.	<i>Initial Attempt at Joint Secession</i>	700
2.	<i>Saraland Secession</i>	703
3.	<i>Satsuma and Chickasaw Secessions</i>	706
V.	OUTCOMES OF DISTRICT SECESSION.....	712
A.	<i>Residential Segregation & Inequality</i>	712
B.	<i>School Segregation & Inequality</i>	714
VI.	CONCLUSION.....	720

I. INTRODUCTION

Once home to a countywide school district, Mobile County, Alabama, has had three municipalities break away from the district and form their own school systems in the past fifteen years.¹ School district secession, a process by which a community splits from a larger school district to establish its own independent system, has become increasingly common in the United States. There have been seventy-three successful secessions across the country

1. See generally Kendra Taylor et al., *Racial Segregation in the Southern Schools, School Districts, and Counties Where Districts Have Seceded*, AERA OPEN, July–Sept. 2019, at 1–16.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 677

between 2000 and 2019,² and many are concentrated in the South.³ Within Mobile County, three municipalities seceded in the span of five years: the city of Saraland established a separate school district in 2008 while neighboring Chickasaw and Satsuma each opened the doors to their separate districts in 2012. The case of Mobile County demonstrates a concerning trend in which school district secession proves to be a legally and politically sanctioned approach to maintaining segregation and inequality in an era of perceived race-neutral law and policy. As a form of adaptive discrimination,⁴ secession threatens the potential of schools to foster a cohesive, multiracial democratic society.

The context of secession in the South cannot be disentangled from the region's history of large countywide school districts and de jure segregation. Unlike the highly fragmented school districts of the Northeast or Midwest, those in the South have historically spanned entire counties, drawing students from both urban centers and rural areas. This feature of Southern districts was particularly useful during the desegregation efforts following *Brown v. Board of Education*, and for a period, Southern schools were some of the most integrated in the country⁵ in part because of this jurisdictional feature of countywide districts.⁶ More recently, however, many of the arguments used decades ago by White residents across the South to resist school desegregation have resurfaced in modern-day school district secession attempts.

2. See EDBUILD, FRACTURED: THE ACCELERATING BREAKDOWN OF AMERICA'S SCHOOL DISTRICTS (2019), <https://edbuild.org/content/fractured/fractured-full-report.pdf> [https://perma.cc/NG8T-B9L7]. There have been additional district secession attempts since 2019. In March 2022, the city council in Orange Beach, Alabama, voted to split from the Baldwin County School System. John Sharp, *Orange Beach Votes to Create City School System*, ALABAMA (Mar. 15, 2022, 6:05 PM) <https://www.al.com/news/2022/03/orange-beach-votes-to-create-city-school-system.html> [https://perma.cc/6S73-767W]. Another secession is currently pending in East Baton Rouge, Louisiana. Terry J. Jones, *Trial over Creating St. George Expected in 2022, but Incorporation Could be Years Away*, ADVOCATE (Dec. 27, 2021, 4:00 AM), https://www.theadvocate.com/baton_rouge/news/article_5765f008-6344-11ec-a188-eb54b244cf86.html [https://perma.cc/3BEG-XUWQ].

3. Taylor et al., *supra* note 1, at 1.

4. See generally Elise Boddie, *Adaptive Discrimination*, 94 N.C. L. REV. 1235, 1235 (2016) (establishing "a theory of 'adaptive discrimination'—that discrimination adapts to law and to social norms prohibiting intentional discrimination").

5. ERICA FRANKENBERG ET AL., A MULTIRACIAL SOCIETY WITH SEGREGATED SCHOOLS: ARE WE LOSING THE DREAM? (2003), <http://pages.pomona.edu/~vis04747/h21/readings/AreWeLosingtheDream.pdf> [https://perma.cc/9A9M-K2QD] (finding, at the time of publication, that the South was "the nation's most integrated region for both blacks and whites").

6. GARY ORFIELD, SCHOOLS MORE SEPARATE: CONSEQUENCES OF A DECADE OF RESEGREGATION (2001), <http://eric.ed.gov/ERICWebPortal/recordDetail?accno=E0459217> [https://perma.cc/V8L8-3T87] (noting that "the highest levels of integrated education [were] found . . . in the large metropolitan counties where the city and suburban schools were part of a single school district that came under a comprehensive desegregation order").

In Mobile County, the *Birdie Mae Davis v. Board of School Commissioners of Mobile County*⁷ desegregation case was filed in 1963 and remained active until unitary status was granted in 1997. Persistent throughout this period was staunch resistance to school desegregation by both White families and school leaders—largely permitted by the district court judges overseeing the case. Levels of racial and economic segregation in the county's schools remained high even as the district was released from court oversight. Within this context, secession has emerged in Mobile County, as it has in other Southern school districts,⁸ as a new race-evasive mechanism to maintain segregation that remains legally and politically acceptable in the twenty-first century. Indeed, within five years after unitary status was granted—which removed the requirement that a proposed secession be evaluated by courts as to desegregation impact—municipalities in Mobile County began to investigate how to secede from the county district. This Article analyzes how the arguments used throughout the processes of secession are linked to the historical arguments used during formal desegregation, and how the outcomes of secession serve to maintain segregation and inequality within the county's schools. The case of Mobile County speaks to how the current political and legal context permitting district secession has serious implications for public schools and for democracy.

II. THE THREATS OF SCHOOL SEGREGATION TO DEMOCRACY

As explained by James Madison in the *Federalist Papers*, one of the fundamental goals of the United States' democratic republic is to protect minority rights in a diverse society,⁹ and public schools play a critical role in serving that goal.¹⁰ Philosophers from Aristotle to John Dewey to Martha Nussbaum have theorized that "diverse education is consistent with democratic ideals."¹¹ United States law has also supported such philosophical traditions; in finding segregated schools to be inherently unequal in *Brown v.*

7. *Birdie Mae Davis v. Bd. of Sch. Comm'rs of Mobile Cnty.*, 402 U.S. 33 (1971).

8. Taylor et al., *supra* note 1 (documenting levels of segregation following school district secessions in seven Southern counties since 2000); see, e.g., Genevieve Siegel-Hawley et al., *The Disintegration of Memphis-Shelby County, Tennessee: School District Secession and Local Control in the 21st Century*, 55 AM. EDUC. RES. J. 651, 653 (2018) (providing a qualitative case study of the secessions of six suburban school districts in Memphis-Shelby County, Tennessee in 2013).

9. THE FEDERALIST NO. 10, at 52–55 (James Madison) (Lawrence Goldman ed., 2008).

10. Roslyn Arlin Mickelson & Mokubung Nkomo, *Integrated Schooling, Life Course Outcomes, and Social Cohesion in Multiethnic Democratic Societies*, in 36 REV. RES. EDUC. 197, 199 (2012) (reviewing research in support of the thesis that "integrated education is an important building block that cultivates the social structural and attitudinal predicates of cohesive, just, multiethnic, democratic societies").

11. *Id.* at 201.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 679

Board of Education, the Supreme Court acknowledged “the importance of education to our democratic society”¹² and the threats of segregated schools to that society.

The *Brown* decision was based in part on social science research identifying the psychological harms of segregation.¹³ Perhaps most well-known is Mamie and Kenneth Clark’s research showing that segregation is linked to low self-esteem and feelings of inferiority among young Black children. In a series of experiments, Black children as young as three years old displayed clear preferences for white dolls over brown ones.¹⁴ Similarly, White children’s perceptions of self and others are also negatively shaped by segregated spaces,¹⁵ a fact that went unrecognized by the Court in its *Brown* opinion.¹⁶ Evidence presented as part of the *Brown* case found that racial segregation causes White children to “develop patterns of guilt feelings, rationalizations and other mechanisms which they must use in an attempt to protect themselves from recognizing the essential injustice of their unrealistic fears and hatreds of minority groups.”¹⁷ Though some have critiqued such

12. *Brown v. Bd. of Educ. of Topeka*, 347 U.S. 483, 494 (1954).

13. *Id.*

14. Kenneth B. Clark & Mamie K. Clark, *Segregation as a Factor in the Racial Identification of Negro Pre-School Children*, 8 J. EXP. EDUC. 161–63 (1939).

15. Marian J. Radke & Helen G. Trager, *Children’s Perceptions of the Social Roles of Negroes and Whites*, 29 J. PSYCH. 3–33, at 32 (1950) (documenting the results of interviews with both Black and White children, in which children of both races “ascribe inferior roles or circumstances to Negroes, mainly in relation to money and housing”).

16. See, e.g., Sharon E. Rush, *Emotional segregation: Huckleberry Finn in the modern classroom*, 36 U. MICH. J. LAW REFORM 305–366, 316 (2003) (emphasizing that while the *Brown* decision addressed the harm of segregated schools in perpetuating “the myth of Black inferiority,” it failed to acknowledge how segregation also reinforced “the assumption that White children are superior”); Angela Onsuachi-Willing, *Reconceptualizing the Harms of Discrimination: How Brown v. Board of Education Helped to Further White Supremacy*, 105 VA. L. REV. 343, 355 (2019) (“Missing from *Brown* were those important lessons about not just White privilege but also the dehumanizing effects of racial segregation on Whites.”); Kevin Brown, *The Road Not Taken in Brown: Recognizing the Dual Harm of Segregation*, 90 VA. L. REV. 1579, 1598 (2004) (arguing that had the Supreme Court’s *Brown* decision also recognized the harms of segregation on White children, future court decisions “would have been more able both to find de jure segregation and to allow more expansive remedies”).

17. Brief for Appellants at 6, *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (No. 1), 1952 WL 47265, at *6.

evidence,¹⁸ updated research confirms the attitudinal and social harms of segregation on White children.¹⁹

Brown and subsequent Supreme Court decisions have led to some level of school integration across the United States.²⁰ Research has found that children who attend racially integrated schools benefit from more cross-racial friendships²¹ and a lower propensity for prejudice and stereotypes²² than those who attend segregated ones, supporting the theory of intergroup contact.²³ Research also shows that students who attend integrated schools report more opportunities to learn civic and political skills²⁴ and have higher rates of civic engagement later in life.²⁵ In the long-term, students who attend integrated schools are also more likely to live and work in integrated spaces as adults.²⁶ Contact with those from diverse backgrounds, particularly when structured appropriately, also generates critical thinking and problem-solving skills that not only academically benefit students in schools but also extend to the

18. See, e.g., John Levi Martin, "The Authoritarian Personality" 50 Years Later: What Lessons Are There for Political Psychology?, 22 POL. PSYCH. 1–26 (2001) (criticizing the methodology of Adorno, Frenkel-Brunswik, Levinson, and Sanford's *The Authoritarian Personality*, included in the evidence presented during *Brown*, as a value-laden attempt to conflate personality theories with political beliefs); Anders Walker, Essay, Blackboard Jungle: Delinquency, Desegregation, and the Cultural Politics of *Brown*, 110 COLUM. L. REV. 1911, 1911–53 (2010) (describing Southern politicians' critiques of the psychological research used in *Brown*).

19. Margaret Beale Spencer, *CNN Pilot Demonstration* (Apr. 28, 2010), http://i2.edn.turner.com/cnn/2010/images/05/13/expanded_results_methods_cnn.pdf (<https://perma.cc/B7C6-K86R>) (summarizing the results of a replicated doll study showing White children had high rates of White bias, assigning positive attributes to dolls with light skin tones).

20. See CHARLES T. CLOTTELLER, *AFTER BROWN: THE RISE AND RETREAT OF SCHOOL DESEGREGATION* (2004). Of course, some racially desegregated schools remain unequal.

21. See, e.g., Maureen T. Hallinan & Stevens S. Smith, *The Effects of Classroom Racial Composition on Students Interracial Friendliness*, 48 SOC. PSYCH. Q. 3, 13 (1985) (finding that "as the proportion of one racial group in a classroom increases, the friendlier the students of the other race are toward members of that racial group."); see also Sandra Graham et al., *Psychosocial Benefits of Cross-Ethnic Friendships in Urban Middle Schools*, 85 CHILD DEV. 469, 478 (2014).

22. Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. PERS. SOC. PSYCH. 751, 766 (2006); Peter B. Wood & Nancy Sonleitner, *The Effect of Childhood Interracial Contact on Adult Antiracial Prejudice*, 20 INT'L. J. INTERCULTURAL RELS. 1, 12–14 (1996).

23. See GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* 281 (1954) (positing that exposure to those from different groups reduces prejudice).

24. Rebecca Jacobsen et al., *Diverse Schools in a Democratic Society: New Ways of Understanding How School Demographics Affect Civic and Political Learning*, 49 AM. EDUC. RSCH. J. 812, 819 (2012).

25. Michal Kurlaender & John Yun, *Fifty Years After Brown: New Evidence of the Impact of School Racial Composition on Student Outcomes*, 6 INT'L J. EDUC. POL'Y, RSCH. & PRAC. 51, 52 (2005).

26. See Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation*, 64 REV. EDUC. RSCH. 531, 551–52 (1994).

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 681

workplace. Several social science experiments reveal that diverse teams perform better on group tasks and come up with more creative solutions than homogenous groups.²⁷ The ability to work and live within diverse teams and neighborhoods is increasingly necessary in our multiracial, yet divided, society.

Though the evidence in support of desegregation is strong, the nation's public schools today remain highly segregated,²⁸ threatening some of our most valued democratic ideals and educational goals. Rather than embrace the heterogeneity celebrated in the *Federalist Papers*, segregated school systems allow people to avoid having to compromise over different views and commit to a multiracial democracy. Furthermore, rather than serve the educational goal of democratic equality for all students, segregated schools tend to serve more individualistic goals of social mobility for advantaged students.²⁹ In all, centuries of philosophy and decades of scientific evidence support the claim that school segregation threatens students' futures as citizens in a multiracial democracy.

27. See, e.g., SCOTT PAGE, THE DIVERSITY BONUS: HOW GREAT TEAMS PAY OFF IN THE KNOWLEDGE ECONOMY xv-xvi (2017); Lu Hong & Scott E. Page, *Groups of Diverse Problem Solvers Can Outperform Groups of High-Ability Problem Solvers*, 101 PROC. NAT'L ACAD. SCI. U.S. 16385, 16389 (2004); Katherine W. Phillips et al., *Surface-Level Diversity and Decision-Making in Groups: When Does Deep-Level Similarity Help?*, 9 GRP. PROCESSES & INTERGRP. RELS. 467, 478-79 (2006); Katherine W. Phillips & Denise Lewin Loyd, *When Surface and Deep-Level Diversity Collide: The Effects on Dissenting Group Members*, 99 ORG. BEHAV. & HUM. DECISION PROCESSES 143, 158 (2006).

28. See ERICA FRANKENBERG ET AL., THE CIVIL RIGHTS PROJECT, HARMING OUR COMMON FUTURE: AMERICA'S SEGREGATED SCHOOLS 65 YEARS AFTER *BROWN* 33 (2019), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/harming-our-common-future-americas-segregated-schools-65-years-after-brown-65-0509-1994-final.pdf> [https://perma.cc/9KPH-T8LY] (showing that across United States public schools, racial and economic segregation has increased since the 1990s); U.S. GOV'T ACCOUNTABILITY OFF., GAO 16-345, BETTER USE OF INFORMATION COULD HELP AGENCIES IDENTIFY DISPARITIES AND ADDRESS RACIAL DISCRIMINATION (2016) ("From school years 2000-01 to 2013-14 . . . the percentage of all K-12 public schools that had high percentages of poor and Black or Hispanic students grew from 9 to 16 percent.").

29. See David F. Labaree, *Public Goods, Private Goods: The American Struggle over Educational Goals*, 34 AM. EDUC. RESCH. J. 39, 39 (1997) (conceptualizing the educational goals of democratic equality, social efficiency, and social mobility as inherently conflictual).

III. MODERN FORCES MAINTAINING SEGREGATION

A. *Educational Boundary Lines*

In the United States, school district boundary lines play a crucial role in shaping students' access to education.³⁰ Boundaries serve many purposes, including defining the geographic area of a school district, delineating which students will attend the district, determining a certain pool of available resources, and signalling an area's identity. Given these roles, the significance of boundary lines is clear.

As a shaper of identity, school district lines convey information about a school district. In particular, district boundaries convey racial information to families who are choosing where to live and where to enroll their children.³¹ For example, Jennifer Jellison Holme found that White and wealthy parents choose to move to school districts with higher proportions of White families rather than making decisions based on objective measures of school quality.³² Similarly, Allison Roda & Amy Stuart Wells found that parents concerned with sending their children to the "best" schools ultimately chose racially isolated, mostly White schools, which suggests that perceived quality is commonly conflated with race.³³ In general, research shows school districts can develop "good" or "bad" reputations that are closely associated with the demographic characteristics of the districts' students.³⁴

Additionally, school district lines determine a pool of available resources upon which schools can draw. Most school district revenue comes from local sources like property taxes, so the value of homes within a district can determine the amount of funds and resources available to an area's school. Obviously then, districts with more expensive homes collect more tax dollars

30. School attendance zone boundaries that assign students to specific schools within districts are also crucial in shaping access to educational opportunities, though they are not the main focus of this paper.

31. See Jack Dougherty, *Selling and Shopping the Lines*, ON THE LINE: HOW SCHOOLING, HOUSING, AND CIVIL RIGHTS SHAPED HARTFORD AND ITS SUBURBS, <https://onthehelme.irin.cofl.edu/selling.html> [https://perma.cc/C5VK-8J6Z] (Aug. 4, 2021); Amy Ellen Schwartz & Leanna Stiefel, *Linking Housing Policy and School Reform*, in CHOOSING HOMES, CHOOSING SCHOOLS 295, 295 (Annette Lareau & Kimberly Goyette eds., 2014).

32. Jennifer J. Holme, *Buying Homes, Buying Schools: School Choice and the Social Construction of School Quality*, 72 HARV. EDUC. REV. 177, 202 (2002).

33. Allison Roda & Amy Stuart Wells, *School Choice Policies and Racial Segregation: Where White Parents' Good Intentions, Anxiety, and Privilege Collide*, 119 AM. J. EDUC. 261, 261 (2013).

34. See Holme, *supra* note 32, at 194; HEATHER BETH JOHNSON, THE AMERICAN DREAM AND THE POWER OF WEALTH: CHOOSING SCHOOLS AND INHERITING INEQUALITY IN THE LAND OF OPPORTUNITY 42 (2006); DIANA M. PEARCE, BREAKING DOWN BARRIERS: NEW EVIDENCE ON THE IMPACT OF METROPOLITAN SCHOOL DESEGREGATION ON HOUSING PATTERNS 10 (1980).

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 683

to support their schools, advantaging those already economically privileged children with better school resources.³⁵ Because property values tend to be higher in districts with more White students relative to surrounding areas, district boundaries also help correlate school funding levels with an area's racial demographics.³⁶

Finally, in defining the geographic scope of a district, boundary lines enforce a concept of local control—a hallmark of American education—in which those within a district determine much of the policy. Public support for local control is high among Americans of all races,³⁷ as people believe that those closest to the community will be able to make the most appropriate decisions given the local context. However, calls for local control have historically conflicted with calls for increased equality, notably during the period following *Brown v. Board of Education* when districts used local control to thwart efforts to desegregate.³⁸

Given their ability to shape identity, organize resources, sort students, and define geographic areas of control, school district boundaries have important implications for patterns of school segregation.³⁹ In a 1972 decision, the U.S. Supreme Court prohibited the formation of a district that wished to break away from a larger district under desegregation obligations because the action would impede the effectiveness of desegregation efforts.⁴⁰ However, a few

35. Schwartz & Stiefel, *supra* note 31, at 301.

36. Thomas J. Kane et al., *School Quality, Neighborhoods, and Housing Prices*, 8 AM. L. & ECON. REV. 183, 203 (2006); EDBUILD, \$23 BILLION 2-5 (2019), <https://edbuild.org/content/23-billion-full-report.pdf> [<https://perma.cc/K7HR-DY47>].

37. Jennifer Hochschild & Bridget Scott, *The Polls-Trends: Governance and Reform of Public Education in the United States*, 62 PUB. OP. Q. 79, 83 (1998); Rebecca Jacobsen & Andrew Sautz, *The Polls-Trends: Who Should Control Education?*, 76 PUB. OP. Q. 379, 388 (2012).

38. See DAVID DANTE TROUTT, *THE PRICE OF PARADISE: THE COSTS OF INEQUALITY AND A VISION FOR A MORE EQUITABLE AMERICA* 105-09 (2013). A notable exception is the effort for locally-adopted voluntary integration policies implemented by dozens of districts around the country.

39. See CLOTFELTER, *supra* note 20, at 77; Sarah Diem et al., *Factors That Influence School Board Policy Making: The Political Context of Student Diversity in Urban-Suburban Districts*, 51 EDUC. ADMIN. Q. 712, 715-16 (2015); see also Sean F. Reardon & John T. Yun, *Desegregating Neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South, 1990-2000*, 81 N.C.L. REV. 1563, 1566 n.7 (2003) (explaining that the *Dowell* Court emphasized "that a return to local control was preferable"); JAMES E. RYAN, *A WORLD APART: ONE CITY, TWO SCHOOLS, AND THE STORY OF EDUCATIONAL OPPORTUNITY IN MODERN AMERICA* 304 (2010); Susan Eaton, *How a 'New Secessionist' Movement is Threatening to Worsen School Segregation and Widen Inequalities*, NATION (May 15, 2014), <https://www.thenation.com/article/archive/how-new-secessionist-movement-threatening-worsen-school-segregation-and-widen-inequality/> [<https://perma.cc/8HRF-6WW6>].

40. *Wright v. Council of Emporia*, 407 U.S. 451, 470 (1972); John L. Rury & Argun Saatcioglu, *Suburban Advantage: Opportunity Hoarding and Secondary Attainment in the Postwar Metropolitan North*, 117 AM. J. EDUC. 307-342 (2011).

years later, the Supreme Court's ruling in *Milliken v. Bradley* solidified the importance of school district boundary lines in perpetuating segregation.⁴¹ The Court held that the federal government could not mandate desegregation across district lines, leaving suburban districts free to close themselves off from urban districts and avoid responsibility for any resulting racial segregation.⁴² Thus, White flight to homogenous suburban school districts helped thwart efforts to racially integrate America's schools.⁴³ Today, the majority of school segregation is due to separation between school districts rather than within school districts,⁴⁴ and such segregation has harmful student and community outcomes.⁴⁵

School district secession further perpetuates the segregative effect of school district boundary lines. Across the country, high levels of district fragmentation are correlated with segregation.⁴⁶ Of particular concern is the ways in which school district secession efforts are often removed from conversations of intentional segregation. "[S]ecessions are grounded in the race-neutral language of localism, or the preference for decentralized governance structures."⁴⁷ And yet, recent research has directly linked the act of secession to increasing levels of segregation between school districts, especially in the South.⁴⁸ Furthermore, inequitable school funding results

41. *Milliken v. Bradley*, 418 U.S. 717 (1974).

42. *Id.* at 741-45.

43. See John L. Rury & Argun Saatcioglu, *Suburban Advantage: Opportunity Hoarding and Secondary Attainment in the Postwar Metropolitan North*, 117 AM. J. EDUC. 307, 317 (2011).

44. Kendra Bischoff, *School District Fragmentation and Racial Residential Segregation: How Do Boundaries Matter?*, 44 URB. AFFS. REV. 188, 196-204 (2008). See generally CLOTFELTER, *supra* note 20; Reardon & Yun, *supra* note 39, at 1573; Kori J. Stroub & Meredith P. Richards, *From Resegregation to Reintegration: Trends in the Racial/Ethnic Segregation of Metropolitan Public Schools, 1993-2009*, 50 AM. EDUC. RESCH. J. 497, 524 (2013); Taylor et al., *supra* note 1, at 6-7.

45. Roslyn Mickelson & Mokubung Nkomo, *Integrated Schooling, Life Course Outcomes, and Social Cohesion in Multiethnic Democratic Societies*, 36 REV. RESCH. EDUC. 208-222 (2012) (reviewing relevant research on the relationship between (de)segregated schooling and "various adult life course outcomes"); RUCKER C. JOHNSON & ALEXANDER NAZARYN, *CHILDREN OF THE DREAM: WHY SCHOOL INTEGRATION WORKS* (2019) (demonstrating the positive life outcomes for children who attended racially integrated schools in the 1970s and 80s compared to those who attended segregated schools).

46. Bischoff, *supra* note 44, at 309.

47. Erika K. Wilson, *The New School Segregation*, 102 CORNELL L. REV. 139, 139 (2016) (conceptualizing district secession as a new form of school segregation).

48. See, e.g., Erica Frankenberg, *Splintering School Districts: Understanding the Link Between Segregation and Fragmentation*, 34 LAW SOC. INQUIRY 869, 891 (2009) (finding that the creation of new districts in Jefferson County, Alabama has led to more segregation between districts); Siegel-Hawley et al., *supra* note 8, at 668-89; Taylor et al., *supra* note 1, at 11.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 685

when wealthy areas secede from higher poverty districts.⁴⁹ Secession appears to be one of the latest methods for maintaining patterns of segregation, drawing on the power of school district boundaries to do its segregative work.

B. Adaptive Discrimination

Throughout the United States' history, educational boundaries have been used in various ways to maintain systems of school segregation. The evolution of such strategies can be explained by Elise Boddie's concept of adaptive discrimination.⁵⁰ Before *Brown v. Board of Education*, formal student assignment policies maintained de jure segregated schools. During the era of court-ordered desegregation, however, courts required individual school districts to redraw their school attendance zones to create racially balanced schools. The use of race-conscious school boundaries was endorsed by the Supreme Court in *Swann v. Charlotte-Mecklenburg Board of Education*,⁵¹ and since then, court-ordered and voluntary desegregation plans alike have relied on redistricting as a desegregation tool.⁵² However, as court-ordered desegregation began to take hold across the country, there was massive resistance to integration efforts, and White families fled to suburban school districts to avoid integrating urban schools.⁵³ In effect, because school

49. EDBUILD, *supra* note 2, at 4 (stating that "[b]ecause school districts are still highly reliant on local property taxes, when communities with higher property values leave behind less wealthy neighborhoods, they take a disproportionate amount of funding with them").

50. See generally Boddie, *supra* note 4.

51. *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 3 (1971) ("The remedial altering of attendance zones is not, as an interim corrective measure, beyond the remedial powers of a district court.")

52. Kendra Taylor et al., *School and Residential Segregation in School Districts With Voluntary Integration Policies*, 94 PEABODY J. EDUC. 372-73, 378 (2019) (identifying at least twenty-three school districts that have voluntarily implemented attendance zone boundary adjustments in efforts to create more racially or economically integrated schools); William M. Gordon, *The Implementation of Desegregation Plans Since Brown*, 63 J. NEGRO EDUC. 313 (1994) (describing student assignment plans, including "attendance area redistricting, pairing and clustering attendance zones, and restructuring grade configurations within buildings," as strategies implemented in court-ordered desegregation plans). More recently, the Department of Justice has intervened to raise concerns over racially unequal school boundaries. See, e.g., Moriah Balingit, *Pr. William Redraws New High School's Boundaries After DOJ Inquiry*, WASH. POST (Oct. 24, 2014), https://www.washingtonpost.com/local/education/pr-william-redraws-new-high-schools-boundaries-after-doj-inquiry/2014/10/24/ed248b44-5ae2-11e4-8264-deed989ae9a2_story.html [https://perma.cc/PGS9-P2QV] (quoting a letter from DOJ to Prince William County Schools, Virginia as saying "findings [of a DOJ inquiry] raise significant concerns regarding the boundary proposal's compliance with the Equal Educational Opportunities Act of 1974").

53. See Reynolds Farley et al., *School Desegregation and White Flight: An Investigation of Competing Models and Their Discrepant Findings*, 53 SOCIO. EDUC. 123, 133 (1980).

boundary lines were no longer sufficient to separate students, White families came to rely on more robust district lines to maintain separation.

Attempts by the courts to intervene and alter segregative district boundary lines were less successful than those altering school boundary lines. In 1970, the NAACP sued state officials in Michigan for practices they claimed led to stark segregation between the Detroit public schools and surrounding White suburban school districts.⁵⁴ The district court agreed and ordered the state to develop a desegregation plan that would encompass fifty-three school districts in the metropolitan area.⁵⁵ But on appeal, the Supreme Court ultimately held that federal courts could not require desegregation across district lines without evidence of intentional discrimination on the part of the suburban districts or the state when drawing district boundaries—a near impossible thing to prove.⁵⁶ In his dissent, Justice Thurgood Marshall wrote “school district lines, however innocently drawn, will surely be perceived as fences to separate the races,”⁵⁷ and his warning has proven all too true.⁵⁸

Since the 1990s, the federal courts have largely retreated from enforcing school desegregation.⁵⁹ Supreme Court decisions in *Board of Education of Oklahoma City v. Dowell*,⁶⁰ *Freeman v. Pitts*,⁶¹ and *Missouri v. Jenkins*⁶² essentially allowed courts to end desegregation oversight before school districts had fully complied with remedial court orders, so long as school districts had complied in “good faith” and segregation had been remedied to the “extent practicable.”⁶³ The *Freeman v. Pitts* decision, in particular, emphasized a shift in the Court’s thinking towards viewing residential

54. *Milliken v. Bradley*, 418 U.S. 717, 717 (1974).

55. *Id.* at 733–34.

56. *Id.* at 752–53.

57. *Id.* at 804.

58. Myron Orfield, Milliken, Meredith, and *Metropolitan Segregation*, 62 UCLA L. REV. 364, 367 (2015) (concluding that following the *Milliken* decision, Detroit’s public schools “remained rigidly segregated”); Jennifer Jollison Holme et al., *Challenging Boundaries, Changing Fate? Metropolitan Inequality and the Legacy of Milliken*, 118 TCHRS. COLL. REC. 1, 1 (2016) (“[T]he segregated and high poverty districts in the three metro areas where courts left districts intact (Detroit, Philadelphia, and St. Louis) have been increasingly hemmed in by their boundaries since *Milliken*: struggling with growing concentrations of need, low resources to meet those needs, and as a result falling into fiscal and academic decline.”).

59. See generally DISMANTLING DESEGREGATION: THE QUIET REVERSAL OF *BROWN V. BOARD OF EDUCATION* (Gary Orfield & Susan E. Eaton eds., 1996); GARY ORFIELD & JOHN T. YUN, C.R. PROJECT, RESEGREGATION IN AMERICAN SCHOOLS (1999), <https://escholarship.org/content/qt6d01084d/qt6d01084d.pdf> [https://perma.cc/NUP9-NXR2]; Erica Frankenberg, *School Segregation, Desegregation, and Integration: What Do These Terms Mean in a Post-Parents Involved in Community Schools, Racially Transitioning Society?*, 6 SEATTLE J. SOC. JUST. 533–90 (2008).

60. *Bd. of Educ. of Okla. City v. Dowell*, 498 U.S. 237 (1991).

61. *Freeman v. Pitts*, 503 U.S. 467 (1992).

62. *Missouri v. Jenkins*, 495 U.S. 33 (1990).

63. *Dowell*, 498 U.S. at 249–50.

segregation patterns as private decisions⁶⁴ rather than as responses to government policies, although it had previously recognized this reality.⁶⁵ These shifts led to the premature release of many school districts from court oversight and a subsequent resegregation of the country's schools.⁶⁶ The Court does still accept the use of school boundary rezoning for desegregation; most recently, Justice Kennedy's concurring opinion in *Parents Involved v. Seattle School District No. 1* endorsed the voluntary use of race-conscious districting plans as a mechanism for creating racially balanced schools.⁶⁷ But today, the federal courts remain largely uninvolved in decisions surrounding local educational boundaries, and there exist many places where district and school boundaries reinforce or worsen segregation.⁶⁸

Contemporary school segregation is especially visible in the separation of White students from non-White students, both between schools and school districts. Legal scholar Erika Wilson describes this clustering of White students—and their associated power, funds, and social capital—as “monopolizing whiteness.”⁶⁹ She explains that while traditional segregation scholarship focuses on the harms of segregation for students of color, there is limited discussion of “the meaning and consequences of racial segregation in schools for [W]hite students.”⁷⁰ She also argues that school segregation could

64. *Freeman*, 503 U.S. at 495.

65. *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 7 (1971).

66. Reardon & Yun, *supra* note 39, at 1566; ORFIELD & YUN, *supra* note 59, at 5; FRANKENBERG et al., *supra* note 5, at 4.

67. *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 789 (2007) (“School boards may pursue the goal of bringing together students of diverse backgrounds and races through other means, including strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods . . .”).

68. See generally MYRON ORFIELD & THOMAS F. LUCE JR., REGION: PLANNING THE FUTURE OF THE TWIN CITIES (2010) (documenting instances of oddly shaped, discontinuous, and segregated school and district boundaries in the Minneapolis and St. Paul region). See also Genevieve Siegel-Hawley, *Educational Gerrymandering? Race and Attendance Boundaries in a Demographically Changing Suburb*, 83 HARV. EDUC. REV. 580, 580 (2013) (showing how high school attendance zone boundary changes in Henrico County, Virginia “[solidified] extreme patterns of racial isolation”); see EDBUILD, FAULT LINES: AMERICA’S MOST SEGREGATING SCHOOL DISTRICT BORDERS 6 (2020), <https://edbuild.org/content/fault-lines/full-report.pdf> [https://perma.cc/7ULV-WMC8] (identifying the fifty most economically segregating school district borders in the United States); TOMAS MONARREZ & CARINA CHEN, DIVIDING LINES: RACIALLY UNEQUAL SCHOOL BOUNDARIES IN US PUBLIC SCHOOL SYSTEMS v (2021), <https://www.urban.org/research/publication/dividing-lines-racially-unequal-school-boundaries-us-public-school-systems> [https://perma.cc/33LJ-VV7E?type=image] (identifying over 2,000 pairs of schools separated by racially segregative school or district boundaries).

69. Erika K. Wilson, *Monopolizing Whiteness*, 134 HARV. L. REV. 2382, 2383–84 (2021).

70. *Id.* at 2386.

be addressed through alternate frameworks such as an antitrust framework, given the resource hoarding linked to White segregation.⁷¹

Because educational boundaries convey both information about an area's reputation and the effects on distribution of educational resources, people are incentivized to maintain exclusionary lines. For decades there has been a rise in enclaves, or areas that are whiter or more affluent than surrounding areas.⁷² People in enclaves have more resources than those in surrounding areas, and they work to close off those resources to maintain opportunities for themselves in a process of social closure.⁷³ In this way too, boundaries can play a causal role in shaping the populations living within a district by attracting those who can afford access and excluding those who cannot.⁷⁴ The rise in segregated White enclaves also demonstrates the shift over the past several decades towards conceptualizing publicly-funded schools not as a public good but instead as a private one meant to prepare one's child(ren) to compete for social and economic positions. Rhetoric about wanting the best for one's own child, to the detriment of others, helps to rationalize segregation, especially within a society that claims colorblindness and race-neutrality.

In many areas of contemporary society, people use "facially race-neutral laws and practices" to "continuously reproduce and entrench racial disadvantage across our social landscapes."⁷⁵ Such practices may rely on previous iterations of racially discriminatory laws, all while claiming race no longer plays any role. For example, decades of government policies created and then maintained the residential segregation and massive racial wealth gaps that exist today.⁷⁶ School district boundaries are overlaid on such patterns, creating segregated and unequal schools. But rather than require policy solutions to address racial school segregation, laws increasingly mandate that student assignment policies not include race as a consideration.⁷⁷

71. *Id.* at 2387.

72. See generally JEFFREY R. HENIG ET AL., THE COLOR OF SCHOOL REFORM: RACE, POLITICS, AND THE CHALLENGE OF URBAN EDUCATION (1999).

73. See Jeremy Fiel, *Decomposing School Resegregation: Social Closure, Racial Imbalance, and Racial Isolation*, 78 AM. SOCIO. REV. 828, 833 (2013).

74. See generally GREGORY R. WEIHER, THE FRACTURED METROPOLIS: POLITICAL FRAGMENTATION AND METROPOLITAN SEGREGATION (1991).

75. Boddie, *supra* note 4, at 1235.

76. See generally RICHARD ROTHSTEIN, THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA (2017) (describing the racially discriminatory histories of public housing placement, local zoning laws, home loan practices, racial covenants, highway construction, and transportation policies).

77. Sarah Diem, *Seeking diversity: The Challenges of Implementing a Race-Neutral Student Assignment Plan in an Urban School District*, 28 INT'L J. QUALITATIVE STUD. EDUC. 842, 853 (2015) (detailing the "race-neutral" student assignment plan adopted in Omaha Public

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 689

Such rulings have been critiqued by scholars arguing that colorblind policies can maintain inequality and constitute a new form of racism.⁷⁸

School district secession represents one clear example of a “facially race-neutral” practice that in fact has racialized implications and undermines democratic ideals. State laws allowing for district secession do not explicitly involve race, and stakeholders involved in secession attempts use race-evasive language to describe their goals.⁷⁹ For example, in Shelby County, Tennessee, researchers documented the use of the “local control” argument to justify a series of district secessions in 2014; court challenges to secessions there did not succeed.⁸⁰ Another common argument in favor of secession calls to keep educational resources close to home. For example, while pushing for an ultimately unsuccessful secession in Gardendale, Alabama, the mayor of the city stated that the proposal was about “keeping our tax dollars here with our kids, rather than sharing them with kids all over Jefferson County.”⁸¹ Though these rationales do not explicitly mention race, they can implicitly create racial discrimination because secession, by definition, works to separate groups. As political scientist Gregory Weiher argued, the formation of new political boundaries such as municipalities or school districts is essentially an anti-democratic move meant to “shield” homogenous groups from others.⁸² And yet, secession remains politically acceptable to many residents and legally permissible in most states across the country.

IV. THE FORCES MAINTAINING SCHOOL SEGREGATION IN MOBILE COUNTY

Mobile County is the second most populous county in Alabama and one of two coastal counties that span Mobile Bay.⁸³ It is home of the state’s largest

Schools in 1999 following court decisions that required race not be a “core feature” of the plan). Kathryn A. McDermott et al., *The “Post-Racial” Politics of Race: Changing Student Assignment Policy in Three School Districts*, 29 EDUC. POL’Y 504, 504 (2015) (presenting case studies of three large school districts that “revised, or tried to revise, their policies for assigning students to schools, because the legal and political status of racial and other kinds of diversity is uncertain”).

78. See generally EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLOR BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN THE UNITED STATES* (5th ed. 2017).

79. Wilson, *supra* note 47, at 139.

80. Siegel-Hawley et al., *supra* note 8, at 653.

81. Emma Brown, *A Southern City Wants to Secede from Its School District, Raising Concerns about Segregation*, WASH. POST (Aug. 26, 2016), https://www.washingtonpost.com/local/education/a-southern-city-wants-to-secede-from-its-school-district-raising-concerns-about-segregation/2016/08/25/13ce5398-694f-11e6-99bf-f0c3a6449a6_story.html [https://perma.cc/AJP7-6VWV].

82. WEIHER, *supra* note 74, at 182.

83. Herbert J. Lewis, *Mobile County*, ENCYC. OF ALA. (Nov. 8, 2021), <http://www.encyclopediaofalabama.org/article/h-1332> [https://perma.cc/4TSU-XG5X].

and oldest school district, Mobile County Public School System (MCPSS).⁸⁴ The county is a sprawling 1,644 square miles and has grown by nearly 100,000 residents since 1960.⁸⁵ It has remained a majority White county, with Black residents historically being the largest non-White group. The Board of School Commissioners of Mobile County was created in 1826, predating even the state department of education.⁸⁶ Throughout the nineteenth century and beginning of the twentieth century, MCPSS, like most Southern school districts, operated a dual system of segregated schools, as reinforced by Alabama state law that called for the assignment of students to schools based on race.⁸⁷

A. Demographic Context

Three cities within Mobile County have formed independent school districts and are the focus of this Article: Saraland, Satsuma, and Chickasaw (Figure 1). Because MCPSS was originally a county-wide school system, town limits were not necessarily coterminous with school attendance zones, and residents of these three separate towns were linked through their shared and neighboring schools.

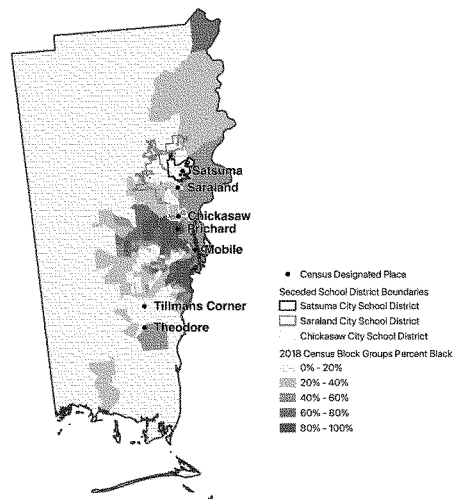
84. MOBILE CNTY. PUB. SCHS., MCPSS STRATEGIC PLAN 2-3 (2022), <https://content.schoolsites.com/api/documents/210c3b80e9ee4a8e903266a890697e4f.pdf> [https://perma.cc/XZV9-253G].

85. U.S. CENSUS BUREAU, *Number of Inhabitants Alabama*, in 1 CHARACTERISTICS OF THE POPULATION (1960), <https://www2.census.gov/library/publications/decennial/1960/population-volume-1-vol-01-02-c.pdf> [https://perma.cc/7X9G-FV5P]; U.S. Census Bureau, *Quick Facts Mobile County, Alabama* (July 1, 2021), <https://www.census.gov/quickfacts/mobilecountyalabama> [https://perma.cc/D6UA-RXBK].

86. MOBILE CNTY. PUB. SCHS., *supra* note 84, at 2; John Hall, *Alabama State Department of Education*, ENCYC. OF ALA., <http://encyclopediaofalabama.org/Article/h-3656> [https://perma.cc/6ZKM-QXRN].

87. Albert J. Foley, *Mobile, Alabama: The Demise of State Sanctioned Resistance*, in COMMUNITY POLITICS & EDUCATIONAL CHANGE: TEN SCHOOL SYSTEMS UNDER COURT ORDER 174-207 (Charles V. Willie & Susan L. Greenblath eds., 1980).

Figure 1: Mobile County Seceded School Districts and Census Designated Places, 2018⁸⁸



Saraland is a community in the northeast portion of Mobile County that incorporated in 1957 with only 125 residents.⁸⁹ It began to grow in the 1960s as an industrial and population boom occurred in the city of Mobile. Saraland contained two MCPSS schools, Saraland Elementary School and Nelson Adams Middle School.⁹⁰ Before integration, and during most of the

88. Figure 1 was created with ArcGIS Pro using data from the 2020 U.S. Census.

89. SARALAND, <https://saraland.org/about-saraland/> [<https://perma.cc/BQ83-R378>].

90. *Id.*

desegregation case, most Saraland students attended Satsuma High School in the next town over.⁹¹ Satsuma, named after the Mandarin Satsuma oranges brought to Alabama from Japan in the late 1880s, submitted plans for a town charter in 1959.⁹² During the era of desegregation, it contained Robert E. Lee Elementary School (later split into a primary and intermediate school), named for the Confederate general. Most Satsuma students then attended Nelson Adams Middle School in Saraland before attending Satsuma High School.⁹³ Both Satsuma and Saraland grew rapidly in the latter half of the twentieth century, each doubling in size between 1960 and 1980 and steadily increasing since 1980 (*See* Table 1). The cities both have overwhelmingly White populations.

Just to the southeast of Saraland sits Chickasaw, a small community named after the Native American tribe. Chickasaw was incorporated in 1946, after experiencing growth during World War II as the shipbuilding industry moved in.⁹⁴ Chickasaw's population declined in size after the middle of the twentieth century, and particularly after 2000, the town experienced a sharp decline in the percentage of White residents.⁹⁵ The town had two elementary schools and one middle school: Chickasaw Elementary School, Hamilton Elementary School, and Clark Middle School. Students then went to the nearby town of Prichard to attend Vigor High School.

91. Agreement, *infra* note 130, at 11.

92. *About Satsuma*, CITY OF SATSUMA, <https://cityofsatsuma.com/wordpress/about/> [<https://perma.cc/3HWK-9787>].

93. *See* Rena Havner, *Souza: No Room Left at Adams*, PRESS-REG. (Mobile), Feb. 14, 2008, at B, NEWSBANK (indicating that students living in Satsuma historically attended Saraland's Nelson Adams Middle School).

94. James P. Kaetz, *Chickasaw*, ENCYC. OF ALA. (Dec. 14, 2020), <http://www.encyclopedialofalabama.org/article/h-3165> [<https://perma.cc/UT4R-4GQG>].

95. *Id.*

Table 1. Mobile County Census Designated Places with More than 5000 Residents in 2020⁹⁵

	1960		1980		2000		2010		2020	
	population	% white	population	% white	population	% white	population	% white	population	% white
Chickasaw	10,002	100	7,402	99.2	6,364	88.9	6,106	63.0	6,457	48.8
Mobile City	202,779	67.5	200,452	62.8	198,915	50.4	190,511	44.9	187,041	40.1
Prichard	47,371	52.8	39,541	25.8	28,659	14.2	22,659	12.5	19,322	11.6
Saraland	4,595	90.3	9,833	95.4	12,288	88.5	13,405	83.7	16,171	76.5
Satusma	1,491	89.7	3,822	92.0	5,687	93.7	6,168	88.7	6,749	84.9
Theodore	---	---	6,392	72.5	6,811	71.1	6,130	79.8	6,270	68.8
Tillmans Corner	---	---	15,941	98.9	15,685	93.6	17,398	82.2	17,731	67.5
COUNTY	314,301	67.7	364,980	67.6	299,843	63.1	412,982	60.2	414,209	54.7

Prichard is also central to this story. This settlement, located just south of Chickasaw and north of the city of Mobile, grew steadily throughout the 1900s, as the shipbuilding and paper mill industries moved in along the area's waterfront. Prichard was incorporated in 1925 and became a company town for shipbuilders during World War II.⁹⁶ Throughout this time period, it had a growing population and thriving business district. However, in the 1960s, Prichard began to lose middle class and White residents to newly developing suburbs, including those forming to the west. The 1980s and 90s saw the closing of factories in Prichard, leading to rising poverty, unemployment, and crime,⁹⁷ and in 1999, the municipality declared bankruptcy.⁹⁸ The contrast between Prichard's decline and the growth of neighboring cities set the stage for some of the secessionist talks that began in Mobile County during the era of court-ordered desegregation.

B. Resistance to Court-Ordered Desegregation

Despite the efforts of local civil rights activists, school desegregation did not come to Mobile County following the 1954 *Brown v. Board of Education* ruling. Rather, it was stalled until *Birdie Mae Davis v. Board of Commissioners, Mobile County* was filed in 1963 by local Black parents on

⁹⁵ Source: U.S. Census Bureau—data unavailable.

⁹⁶ See generally James P. Kaetz, *Prichard*, ENCYC. OF ALA. (2011), <http://encyclopedialab.org/article/h-3094> [https://perma.cc/4QTC-RWC7].

⁹⁷ See Jeb Schrenk, *Ten years later*, PRESS-REG. (Mobile), Dec. 28, 1999, at A1, NEWSBANK (documenting the results of a 1990 study of the financial state of the city of Prichard, and Prichard's status by 1999).

⁹⁸ Douglas J. Watson et al., *Financial Distress and Municipal Bankruptcy: The Case of Prichard, Alabama*, 17 J. PUB. BUDGETING, ACCT. FIN. MGMT. 129, 142 (2005).

behalf of their children.⁹⁹ In September 1963, two Black children in Mobile integrated a formerly all-White high school, joining a handful of Black students in other parts of Alabama to finally integrate K-12 public schools in the state. Desegregation efforts across Mobile County were slow and featured strong resistance of White parents and school leaders alike.¹⁰⁰ We present a brief overview of court-ordered desegregation in Mobile, focusing particularly on the areas of the county that later experienced secession. Those areas include the three towns that seceded—Saraland, Satsuma, and Chickasaw—as well as the neighboring communities.

Early years of desegregation in Mobile County saw very slow progress. From 1963 to 1968, the district used a freedom of choice plan to allow parents to choose the schools their children would attend, but this did not generate any widespread desegregation.¹⁰¹ While a few hundred of the district's more than 30,000 Black students enrolled in previously all-White schools, virtually no White students chose to attend all-Black schools. Overall, most students remained in their segregated neighborhood schools.¹⁰²

Given the lack of progress and the 1964 Civil Rights Act, the United States Department of Justice entered the case in 1967 as a plaintiff intervenor. For the next three years, the school board and many White parents strongly opposed the federal government's plans of rezoning students to schools outside of their neighborhood. White parents organized a group called Stand Together and Never Divide (STAND) to oppose desegregation, decrying the role of the federal government in forcing desegregation and the perceived end of local control over their schools. The case was frequently the subject of legal appeals as the district court judge typically approved only modest changes to desegregation efforts. When a new desegregation plan was approved in 1970, some White students ignored their new school assignments outright and attended a school other than the one to which they had been assigned as "non-conformers" who suffered no consequences.¹⁰³ The case ended up in the Supreme Court in 1971 and was decided as a companion case to the *Swann v. Charlotte-Mecklenburg* case, ultimately requiring the desegregation efforts in Mobile to extend westward beyond the interstate and include more majority

99. Brian Andrew Duke, *The Strange Career of Birdie Mae Davis: A History of a School Desegregation Lawsuit in Mobile, Alabama, 1963-1997*, at 1 (2009) (M.A. Thesis, Auburn Univ.).

100. *Id.* at 8.

101. *Id.* at 18.

102. See generally Erica Frankenberg, *The Impact and Limits of Implementing Brown: Reflections from Sixty-Five Years of School Segregation and Desegregation in Alabama's Largest School District*, 11 ALA. C.R. & C.L. L. REV. 33, 36 (2019) (tracing the status of school segregation in Mobile County from before *Birdie Mae* was filed to modern day); see Duke, *supra* note 99, at 148 (providing an in-depth account of the *Birdie Mae* case and school desegregation in Mobile County).

103. Foley, *supra* note 87, at 190–91.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 695

White areas.¹⁰⁴ A consent order governing the case was reached in July 1971, and lasted for three years. But by 1971, private school enrollment in Mobile County peaked at almost 18,000 students, as many White families fled public schools to attend segregation academies.¹⁰⁵

The district enrollment remained majority White despite the flight—53% White in 1972—and remained relatively stable over the next quarter-century.¹⁰⁶ Although this should have made desegregation numerically feasible, segregation persisted in many MCPSS schools throughout the 1970s due to staunch resistance by Whites within the county. In 1974, the district still effectively maintained a dual school system, in which the rural schools were 81% White and the urban metro schools were 59% Black.¹⁰⁷ By 1976, thirty-two of the district's eighty schools were still racially identifiable, or had student populations in which 85% were of a single race.¹⁰⁸ During this time, the local newspaper, the *Mobile Register*, opined that school desegregation was a “failure,” an experiment in “social engineering,” and “obnoxious,” reflecting widespread views held by White Mobilians that desegregation was a burden.¹⁰⁹ In fact, throughout this time period the *Register* espoused a narrative that hampered desegregation efforts,¹¹⁰ encouraging the White resistance to desegregation and White flight from the public schools, both of which served to preserve a state of racial isolation. The city of Prichard, for example, saw demographic shifts as White students fled its schools. Vigor had been the White high school in Prichard before desegregation,¹¹¹ but as Whites resisted desegregation—including by enrolling in parochial schools—Vigor became 67% Black by 1980.¹¹² Nearby Blount High School was the traditionally Black high school in Prichard, and it remains 98% Black as of 2019.¹¹³

Meanwhile, some Black parents also came to oppose the desegregation efforts, as they almost exclusively bore the burden of integrating schools.¹¹⁴ Black citizens resented desegregation policies that closed their neighborhood schools and reassigned Black students to schools miles away from home,

104. See *Davis v. Bd. of Sch. Comm'rs of Mobile Cnty.*, 402 U.S. 33, 38 (1971).

105. Kathy Dean, *Desegregation Prompted 'White Flight'*, MOBILE REG., May 15, 1990, at 4A.

106. Duke, *supra* note 99, at 36.

107. Foley, *supra* note 87, at 203.

108. See Duke, *supra* note 99, at 180.

109. *Id.*

110. See RICHARD A. PRIDE, THE POLITICAL USE OF RACIAL NARRATIVES: SCHOOL DESEGREGATION IN MOBILE, ALABAMA, 1954-97, at 97 (2002).

111. Frankenberg, *supra* note 102, at 85.

112. Duke, *supra* note 99, at 183.

113. Frankenberg, *supra* note 102, at 102.

114. See Peter A. Wilson, School Integration and Political Culture: The Busing Decision in Mobile County, Alabama, 1968-1973 (Dec. 1998) (M.A. thesis, Univ. of Ala.).

where they may not have been welcomed. Over the years, some Black residents in Mobile also talked of splitting away from MCPSS to create their own school district, fearing violence and the loss of their school traditions during integration.¹¹⁵ Prichard officials in particular mentioned possible secession efforts,¹¹⁶ following the separatism movement championed by Roy Innis of the Congress of Racial Equality.¹¹⁷ Black residents' desire to break away was motivated by the way in which the adopted desegregation remedies overwhelmingly favored White families. Had any split happened, of course, it would have gone against the modern trend of predominantly White areas seceding. But not every Black citizen supported separatism, and the integration efforts pursued by the NAACP and the *Birdie Mae* plaintiffs continued.

In the 1970s, there was also a separate court case that challenged school board commissioner elections in MCPSS. At the time, at-large elections meant all constituents within Mobile voted on all school board candidates, and given the White majority within the country, the school board remained all White. The *Brown v. Moore* case, however, argued that the system diluted Black voting strength as Black constituents were a minority, albeit substantial in size, in the county.¹¹⁸ The plaintiffs won the case, and MCPSS adopted district elections, whereby the county was carved into five voting districts, each one voting on its own school board member.¹¹⁹ This led to the first Black school board members being elected in 1978, ensuring Black families would have direct representation on the school board.¹²⁰

In 1981, a new consent decree "established two community committees to help resolve the *Birdie Mae Davis* case."¹²¹ Of continued debate were school rezonings and busing, as well as specific issues that would portend later secessions. Several groups of White parents protested plans to rezone their students to far away schools. In their protests, many parents echoed a sentiment expressed by one Pat Leffingwell who stated, "our argument is not racially motivated. We are concerned about the distance, time and expense of busing our children."¹²² Others decried the loss of their freedom or their local control, asking, "Where has our freedom gone? . . . This is a dictatorship when

115. *Id.* at 29.

116. See Mobile Reg. Editorial Bd., *Students, Parents Need Answers, Not Acrimony*, PRESS-REG. (Mobile), Oct. 15, 2002, at 10, NEWSBANK (on file with authors).

117. See Wilson, *supra* note 114, at 52.

118. See *Brown v. Moore*, 428 F. Supp. 1123, 1142 (S.D. Ala. 1976).

119. *Id.* at 1146.

120. See Frankenburg, *supra* note 102, at 65. For a time, however, because one of the school board commissioners was also a NAACP member, he was not allowed to vote on school desegregation matters. Duke, *supra* note 99, at 34. As discussed below, one of the Black board members' zones included parts of northern Mobile County.

121. Duke, *supra* note 99, at 47.

122. *Id.* at 59.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 697

one tells your child he has to go to a certain school."¹²³ Despite their claims, much of this language stemmed from racially motivated resistance to desegregation and completely overlooked the fact that Black families had been experiencing school closures, rezonings, and long bus rides for decades, much less the denial of their constitutional rights prior to *Brown*. This language also foreshadowed the arguments later used by Whites in favor of secession.

In fact, some of this discussion began to emerge in the 1980s. Alabama State Representative Taylor Harper first proposed a bill in the State Legislature in 1982 that would have required a popular referendum vote on the splitting of MCPSS into two districts: one for the city and one for the surrounding county.¹²⁴ Support of this idea mostly came from the county residents who felt that schools within the city of Mobile received more attention and that their children were being ignored by the board of commissioners.¹²⁵ Though this bill never passed, it set the stage for the secessions that later took place, as it highlighted a divide between county residents, who were largely White, and the higher shares of Black residents living in and around the city of Mobile.

The desegregation case still lingered without resolution to persisting segregation, and in the 1980s, there were several specific debates related to the areas of Saraland, Satsuma, and Chickasaw. For example, in 1986, the school board submitted a rezoning plan to the court that was rejected, in part, because it called for Black students attending Vigor High School in Prichard to be bused to the relatively new and predominantly White Satsuma High School, but it did not reassign White students at Satsuma High School to Vigor.¹²⁶ When the board revised its plan to include this exchange, White parents resisted.¹²⁷ In fact, the municipality of Saraland, which sits between Satsuma and Prichard and was zoned to Satsuma High School, adopted a formal resolution against the plan.¹²⁸ Blount High School in Prichard was another centerpiece of debate, as it remained all-Black and was desperately in need of facilities updates. One of the community committees in the early 1980s suggested building a new Blount High School in Eight Mile, an area in north Mobile adjacent to Prichard that would more naturally draw a diverse enrollment.¹²⁹ However, Blount High School families strongly opposed this. They did not want their neighborhood school to be closed and moved, causing

123. *Id.* at 77.

124. *Id.* at 63.

125. *Id.*

126. Davis v. Bd. of Sch. Comm'n, No. 3003-63-H, slip op. at 36-42 (S.D. Ala. Mar. 27, 1986).

127. See generally *id.*

128. See Duke, *supra* note 99, at 83.

129. *Id.* at 51.

their children to take long bus rides as had been happening since 1970 in Mobile. This idea was eventually discarded for the time being, though it would later resurface.

In the late 1980s, a new plan for desegregation emerged that relied heavily on the use of magnet schools as a voluntary integration method—a compromise to the repeated use of mandatory rezoning as a desegregation tool. The Mobile Plan, as it came to be known, was approved by the court in June 1988. It called for the creation of six magnet schools that would be opened over the following three years: Council Elementary School, Phillips Middle School, Old Shell Road Elementary School, Dunbar Middle School, Chickasaw Elementary School, and Clark Middle School.¹³⁰ The creation of magnet programs in these schools meant that most students previously zoned to these schools would have to be rezoned to other schools outside their neighborhoods, as magnets were choice options open to anyone within the district to attend. The rezoning of students, especially Chickasaw students who previously attended Chickasaw Elementary and Clark Middle School, would cause tension over the years. The plan also called for \$22 million worth of construction, \$1.3 million of which was to be devoted to capital improvements at the existing Blount High School.¹³¹ In fact, the agreement stipulated that 60% of the total construction funds were to be devoted to majority Black schools or to magnet schools. The agreement also included some attendance zone changes that, for one, finalized the assignment of half of Satsuma's students to Vigor High School.¹³² While the plan received widespread support, it still fell short in many regards. For example, the mayor of Prichard denounced the plan for failing to provide for improved educational opportunities at Blount.¹³³ He wanted Blount to become a magnet school,¹³⁴ though his idea appears to never have been seriously considered.

The adoption of magnet schools proved to be a turning point for desegregation in Mobile in that it accelerated discussion towards the district's unitary status. Demand for magnet schools was high, and by 1992, about 1,600 of the 3,000 students attending magnets were White.¹³⁵ This was the first time that any significant number of White students was choosing to attend integrated schools. However, explicit patterns of segregation remained in the county's schools overall. In 1996, the local newspaper, the *Press Register*, brought attention to remaining inequalities, including disproportionate numbers of White students in academically advanced classes,

130. See Agreement, Davis v. Bd. of Sch. Comm'rs, No. 3003-63-H (S.D. Ala. Nov. 22, 1988). LeFlore High School also had an enhanced within-school magnet program.

131. Duke, *supra* note 99, at 110–11.

132. Agreement, *supra* note 130, at 11.

133. Duke, *supra* note 99, at 110–11.

134. *Id.* at 109.

135. *Id.* at 121.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 699

disproportionate numbers of Black students receiving suspensions, uneven distribution of the least experienced teachers in majority Black schools, and racial gaps in standardized test scores.¹³⁶

Throughout the county, opinions on the state of desegregation were quite mixed. Many school district leaders wanted the long-standing desegregation case to be dismissed, allowing MCPSS to be released from federal oversight after decades of court intervention. However, others—such as Black school board members—pointed to the continued state of inequalities in MCPSS schools and noted that unitary status would stall further progress. “In 1996[,] forty-three of the school system’s ninety-seven campuses had student populations that were racially identifiable” or had a population with more than 85% students of one race.¹³⁷ As momentum towards unitary status accelerated, some of the original plaintiffs and other citizens created a group called Friends of Birdie Mae in an attempt to oppose the closing of the case.¹³⁸ There were also efforts to try to require a super-majority for some of the five-member board’s votes in order to ensure Black board members had greater voice in district decision-making. Despite these efforts, on March 27, 1997, district judge William Brevard Hand dismissed the *Birdie Mae Davis* case. Even the vote by the school board to accept the court’s decision fell along racial lines. The three White school commissioners voted to approve the unitary status settlement, while the two Black commissioners voted against it.¹³⁹

The end of the *Birdie Mae* case in Mobile County reflected larger shifts in the courts’ thinking regarding school desegregation. In its *Swann v. Charlotte-Mecklenburg* ruling in 1971, the Supreme Court recognized the role that federal, state, and local governments played in creating segregated residential neighborhoods, and it acknowledged that additional school district policies around school siting and attendance zones “may well promote segregated residential patterns.”¹⁴⁰ But by the 1990s, the Court began to view patterns of residential—and by extension, school—segregation as a result of private citizen actions and therefore beyond the purview of courts and school districts. In the *Freeman v. Pitts* decision, the Supreme Court declared that “[w]here resegregation is a product not of state action but of private choices, it does not have constitutional implications.”¹⁴¹ Federal courts thus took large steps back from enforcing school desegregation orders and prematurely released many districts from court oversight, signaling an era of increasingly

136. *Id.* at 132–34.

137. *Id.* at 137.

138. *Id.* at 142.

139. *Id.* at 1–2.

140. 402 U.S. 1, 21 (1971) (ruling that a district court may consider school siting, school closure, and school zoning policies when creating a desegregation plan).

141. 503 U.S. 467, 495 (1992).

race-evasive jurisprudence. The refusal to address “private,” yet segregative, decisions about where to live and send one’s child(ren) to school foreshadows the legal context that would later allow for successful secession movements in Mobile County.

Bolstering the unitary status decision was an enduring White resistance to desegregation that reinforced false narratives about the causes of persistent inequality. Rather than recognize vestiges of segregation as a driver of the inequality between White and Black residents, White Mobilians attributed it to the inferiority and laziness of Black people.¹⁴² Additionally, White residents perceived a lack of overtly racist attitudes and actions as a sign that efforts to remedy racial inequality were no longer needed or were even unfair to White students.¹⁴³ This narrative demonstrates the political context that further encouraged the ensuing secessions and the race-evasive rationales behind those secessions.

C. Processes of School District Secession

1. Initial Attempt at Joint Secession

Contemporary calls for secession began to formalize in 2002 when the areas of Saraland, Chickasaw, Satsuma, and Creola banded together to consider creating an independent school district.¹⁴⁴ This discussion was inspired by a couple of events.

First, in a May 2001 referendum, taxpayers approved an increase in property and sales taxes across Mobile County to support the schools.¹⁴⁵ Multiple attempts had failed in previous years, and the last tax increase had not been since 1961—two years before the *Birdie Mae Davis* case was filed.¹⁴⁶ As of 1999, the district’s local funding was one-third less than the state average.¹⁴⁷ Mobile city residents had typically been in favor of increasing their taxes to support the schools, but referendums had routinely failed before as county residents rejected them. In 2001, the MCPSS superintendent insinuated that prior defeats of tax hikes were motivated by racism on the part of White county residents unwilling to support higher taxes, which they

¹⁴² See PRIDE, *supra* note 110, at 230.

¹⁴³ *Id.*

¹⁴⁴ Karen Tolkinen, *Task Force to Look at New School System*, PRESS-REG. (Mobile), Dec. 16, 2002, at 1, NEWSBANK.

¹⁴⁵ Rebecca Catalanello, *Voters Approve School Tax Referendum*, PRESS-REG. (Mobile), May 16, 2001, at 10A, NEWSBANK.

¹⁴⁶ *Id.*

¹⁴⁷ Kevin Sack, *Cash Crunch Imperils High School Football*, N.Y. TIMES (Feb. 27, 2001), <https://www.nytimes.com/2001/02/27/us/cash-crunch-imperils-high-school-football.html> [https://perma.cc/2Z2R-LX2D].

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 701

believed would fund inner-city schools with sizeable Black populations.¹⁴⁸ He also threatened the end of high school football, a sacrosanct Alabama tradition, if the current vote did not pass.¹⁴⁹ The 2001 referendum passed by a clear margin, with 56.3% of all voters approving it, but votes still fell along geographic and racial lines. County voters outside of Mobile and Prichard rejected the tax increase with 56% voting no, while voters from Mobile and Prichard passed it at 66%.¹⁵⁰

News articles at the time attributed the talk of secession to concerns over money.¹⁵¹ School facilities across the county were in a poor state in 2000, after years of a lack of spending and the failed referendums to increase taxes. While under court order, the school board was required to prove to the court how any school construction would impact desegregation.¹⁵² Rather than face this burden, the district largely avoided spending money on any construction or maintenance in the 1960s and 70s.¹⁵³ Though the 1988 agreement did call for capital improvements, the requirement that 60% of this money be directed to majority Black schools may have also reinforced White residents' determination to not increase taxes. White residents may have been convinced their tax dollars would not support schools closest to where they lived. Of course, this view reflects an anti-democratic conceptualization of schools as private goods to be funded only by those who directly use them, rather than as public goods that benefit the larger community. Moreover, if schools had been more integrated, there might have been less concern about which schools were receiving additional funds. Furthering the strain, MCPSS school board member Hazel Fournier threatened to withhold funding for school improvements in those areas considering secession, noting that it would be unwise to spend money on school buildings that the district may lose.¹⁵⁴ Residents reacted sharply to these remarks by their school board member, with the Saraland mayor calling Fournier's comments "blackmail."¹⁵⁵ In fact, there seemed to be palpable tension between the predominantly White residents of these communities and Fournier, the Black school board member who represented them.¹⁵⁶ Feelings that they were not being represented in the

148. *Id.*

149. *Id.*

150. Catalanello, *supra* note 145.

151. *E.g.*, Jeb Schrenk, *School Building Program Passes*, PRESS-REG. (Mobile), Oct. 31, 2002, at 1B, NEWSBANK.

152. Frankenberg, *supra* note 102, at 63.

153. *See id.* at 66.

154. Karen Tolkkinen, *Fournier Remarks Get Sharp Reaction*, PRESS-REG. (Mobile), Oct. 11, 2002, at 1A (on file with authors).

155. *Id.*

156. Hazel Fournier had worked with the district helping to implement desegregation decades earlier and was one of the two members who voted against accepting the final dismissal of the desegregation case in 1997.

countywide system, concerns over a lack of investment in their schools, and an unwillingness to invest in other schools across the county motivated residents in these areas to explore secession.

Furthermore, in 2002, MCPSS began talking once more about rebuilding Blount High School in Eight Mile, and many families were concerned they would be rezoned to the new school. The district hoped that moving Blount out of Prichard and redrawing its attendance zone would help bring in rural White students to this all-Black school.¹⁵⁷ At the time, about half of Saraland students were zoned to Satsuma High School, which was 84% White, and half were zoned to Vigor High School, which was 8% White. Citizens at both schools worried about being rezoned to a new Blount building, which had zero White students at the time.¹⁵⁸

Within this context, Saraland, the largest of the north Mobile municipalities, formed the Delta Schools Association with neighboring Chickasaw, Satsuma, and Creola residents to explore the possibility of seceding together. Saraland's mayor visited other secession districts in Alabama in order to gain information about the feasibility and process of secession.¹⁵⁹ The Delta School Association also planned to hire a group to perform a feasibility study.¹⁶⁰ Ultimately, this secession did not go through, as state law had no provision for allowing multiple municipalities to form their own school district.¹⁶¹ In fact, Alabama Code Section 16-13-199 states that any municipality with a population of at least 5,000 may choose to establish its own city board of education.¹⁶² No vote by any citizens, in either the seceding area or the area left behind, is required. However, because the statute does not specify that multiple municipalities may establish a new school board together, this joint secession attempt would have required an act of the state legislature.¹⁶³ This joint attempt did not pan out, but thoughts of secession remained.

157. See Renn Havner & Elizabeth Stuart, *No Guarantees Yet for Prichard Students to Attend*, PRESS-REG. (Mobile), Dec. 3, 2003, at 5, NEWSBANK.

158. *See id.*

159. Karen Tolkkinen, *Saraland Council Backs Mayor's School-Study Tour*, PRESS-REG. (Mobile), Oct. 1, 2002, at 11, NEWSBANK (on file with authors).

160. Karen Tolkkinen, *Forum to Address North County School System*, PRESS-REG. (Mobile), Feb. 20, 2003, at 2B.

161. Karen Tolkkinen, *A Breakaway System*, PRESS-REG. (Mobile), Jan. 30, 2003, at 1, NEWSBANK.

162. ALA. CODE § 16-13-199.

163. *Id.*

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 703

2. *Saraland Secession*

Saraland continued its own discussions of secession and ultimately began to speed up its decisions in 2006.¹⁶⁴ At the time, a bill was working through the Alabama legislature that would have made school district secession processes more difficult. The bill would have required a municipality to have 15,000 residents, rather than the current 5,000, before it could secede. At the time, Saraland had fewer than 13,000 residents. In addition, the bill would have required cities to prove their financial capability to support their own school district to the Alabama State Department of Education, and cities would not automatically receive county school buildings within their boundaries upon secession. The bill was passed by the Alabama State House Education budget committee in March 2006, and Saraland City Council members thus began their process to officially split from MCPSS so as to avoid any future complications if the bill became law.¹⁶⁵

Discussions around Saraland's possible split from MCPSS included several arguments, all carefully couched in race-evasive language. First, there was continued fear in 2006 that Saraland students would be rezoned to the new Blount High School building, which was finally being constructed in Eight Mile.¹⁶⁶ Notably, citizens were careful to clarify that their concerns here were not about the racial makeup of Blount High School, but about the far distance to the school.¹⁶⁷ And when a young Black Saraland resident voiced concerns at city council meetings about the racial motivations for and implications of forming a separate school district, Saraland mayor Ken Williams said, "This city's wide open for Blacks to move here. I'm not a racist. Never have been, never will be."¹⁶⁸ Of course, this exemplifies how race-evasive language and policy work; individuals do not have to be

164. Andy Netzel, *Saraland Hurries School Proposal, Bill May Block Splitting Schools*, PRESS-REG. (Mobile), Mar. 10, 2006, at 1B, NEWSBANK.

165. *Id.*

166. Karen Tolkinen, *Blount Rumors on the Agenda*, PRESS-REG. (Mobile), Oct. 10, 2002, at 1B (on file with authors).

167. *Id.*

168. *Id.* Despite Mayor Williams' assertion, the Department of Housing and Urban Development would go on to charge a Saraland landlord in 2005 with violating the Fair Housing Act on the basis of race. Press Release, U.S. Dep't of Hous. & Urb. Dev., HUD Charges Alabama Landlord with Violation of Fair Housing Act (Apr. 4, 2005), <https://archives.hud.gov/news/2005/pr05-038.cfm> [<https://perma.cc/8EJ3-EHGF>]. A year later, the Department of Justice settled a charge of housing discrimination against the city of Saraland for denying a zoning permit that would have allowed the applicant to open a foster home for adults with mental disabilities. Press Release, U.S. Dep't of Just., Justice Department Settles Allegations of Disability Discrimination Against City of Saraland, Alabama (Oct. 24, 2006), https://www.justice.gov/archive/opa/pr/2006/October/06_crt_725.html [<https://perma.cc/MND8-96TU>].

explicitly racist for their decisions to have racially discriminatory outcomes.¹⁶⁹

Others, such as Saraland Councilman Howard Rubenstein, spoke of widespread desire for more local control.¹⁷⁰ Much of this desire for local authority stemmed from remaining money issues. Saraland citizens, forced to pay increased taxes for MCPSS schools since the 2001 referendum, expressed a desire for their money to fund the schools their children attended. According to Rubenstein, a couple hundred Saraland residents said they would have voted for the tax increase back in 2001 had the money gone directly to their local schools.¹⁷¹ Some were also angry at the state of their school facilities and, specifically, the lack of renovations to Adams Middle School. In fact, MCPSS had been withholding funding for school improvements of Adams since 2002 when Saraland was threatening to break away for the first time, given Alabama law that MCPSS would relinquish the school if secession occurred.¹⁷² But the lack of investment in the area's schools only added fuel to the fire. And more than just a lack of facilities, there was a general sense that MCPSS schools were of poor academic quality, as some cited the fact that MCPSS's schools were on probationary accreditation with the Southern Association of Colleges and Schools.¹⁷³ A news article at the time noted that Saraland residents "have for years felt slighted by the county school system. They say that both academic programs and building improvements have gone to other schools elsewhere in the county[] and that a disproportionately small amount of school system funding has been spent in the Saraland area."¹⁷⁴

Finally, there were notions of community pride. Councilman Rubenstein said of the possible split, "I feel this is going to increase local pride, school pride. Our residents will have a sense of ownership. They will be more comfortable supporting education."¹⁷⁵ The mayor echoed these sentiments, saying, "I think we've got more pride here," in contrast to the countywide school system.¹⁷⁶

169. See generally BONILLA-SILVA, *supra* note 78, at 78; Boddie, *supra* note 4, at 1258.

170. Tolkkien, *supra* note 159.

171. Tolkkien, *supra* note 161.

172. Tolkkien, *supra* note 154.

173. Tolkkien, *supra* note 161 (explaining that probationary status was in response to school board micromanagement: "Mobile officials had complained to the [Southern Association of Colleges and Schools] that the school board members were interfering with the superintendent's ability to do his job").

174. Editorial, *Obstacles Remain for Saraland City Schools*, PRESS-REG. (Mobile), June 18, 2006, at 2D, NEWSBANK.

175. Andy Netzel, *Saraland to Vote on Breakaway System Saraland Votes on Schools Today*, PRESS-REG. (Mobile), June 13, 2006, at 1B, NEWSBANK.

176. Chip Drago, *Sarasvumala?*, MOBILE BAY TIMES (Mar. 19, 2008), <http://www.mobilebaytimes.com/saraland031908.html> [https://perma.cc/8VQ7-RZCA].

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 705

Together, the rhetoric around local control, school funding, and community identity forms a sort of political playbook for school district secession movements. These exact arguments, in addition to mirroring those used by Whites to resist desegregation in Mobile County during the *Birdie Mae* case, have appeared almost word for word in other communities around the country that have witnessed school district secession.¹⁷⁷

When Saraland put a referendum on the school district split to vote in June 2006, voters approved it overwhelmingly.¹⁷⁸ Later that year, the Saraland City Council selected a school board for its new district, raised its sales tax to generate revenue for the district, and began preparations to build a new high school within the city. Formal negotiations on the split from MCPSS took several years, though. Most contentious were the discussions between Saraland and Mobile County officials about who would incur the debts on Saraland Elementary and Adams Middle School, which had recently undergone some repairs. Eventually, the Alabama Department of Education stepped in to mediate the final agreement, in which Saraland paid MCPSS \$1.5 million for the school repairs.¹⁷⁹ In addition to the keys to these two school buildings, Saraland also acquired eighty acres of land from MCPSS. Saraland School Board Attorney Bob Campbell, who had been the school board attorney for MCPSS during the desegregation case, commented to the local paper, “I think we got 16, 17, maybe \$22 million of property, and we didn’t pay for it.”¹⁸⁰ The agreement also stipulated that any student residing in Saraland could choose to stay in their current MCPSS school for up to four years.

In its first year of operation in 2008–09, the Saraland City School District served students in kindergarten through Grade 9. The district placed its K-5 grade students in the existing Saraland Elementary School and its 6–9 grade students in the middle school, which it renamed the Saraland Middle School Adams Campus. It also began construction on a new \$30 million high school.¹⁸¹ In August 2009, ninth and tenth graders remained at the middle school in portable facilities while construction at the high school was

177. See, e.g., Siegel-Hawley et al., *supra* note 8 (documenting the political arguments behind the secessions of six suburban communities in Memphis-Shelby County, Tennessee in 2013).

178. Editorial, *supra* note 174.

179. Rena Havner Philips, *Mobile, Saraland Schools Finalize Split*, PRESS-REG. (Mobile), June 27, 2009, at 1, NEWSBANK.

180. Steve Alexander, *Saraland Middle School to Get Portables*, CBS 5 WKRG, June 26, 2009, NEWSBANK.

181. David Ferrara, *Saraland’s New System Starts out Smoothly*, PRESS-REG. (Mobile), Aug. 12, 2008, at 1B, NEWSBANK.

finalized.¹⁸² The high school opened its doors in January 2010 for ninth and tenth graders.

The split also led to confusion and frustration among families who lived outside the Saraland city limits but whose students had previously been zoned to Nelson Adams Middle School, including many students living in Satsuma. At first, it seemed that these students would be allowed to stay at Adams, even though they were not Saraland residents. However, in February 2008, six months before the new school system opened, the interim superintendent of Saraland City Schools announced that he did not have room for these students,¹⁸³ leaving MCPSS scrambling to find a place for them. The first plan was to bus the 500 displaced students to Shaw High School in west Mobile, but this option was met with opposition from parents.¹⁸⁴ Families' resistance to being sent to Shaw, which was about twenty minutes away and had a 93% Black student population, led to a compromise in which displaced families were instead zoned to school in nearby Satsuma.¹⁸⁵ Beginning in the 2008–09 school year, displaced Adams families sent their 6–8 grade students to Robert E. Lee Intermediate School, which had previously hosted only 3–5 grade students. In the meantime, MCPSS began building a new \$14.5 million middle school in Axis, north of Satsuma, to give those displaced students a permanent school.¹⁸⁶ This series of decisions, in part, fueled the secessions to come.

3. *Satsuma and Chickasaw Secessions*

When MCPSS needed to build a new middle school in north Mobile, in part to house middle school students displaced by Saraland's split from MCPSS, it deliberately placed the school outside of Satsuma city limits to prevent Satsuma from ever acquiring the building if it were to break away and form its own district as well.¹⁸⁷ The new school, North Mobile County Middle School, opened in name in 2008–09 operating out of the Robert E. Lee Intermediate School in Satsuma and then moved to its new building in Axis

182. Alexander, *supra* note 180.

183. Havner, *supra* note 93, at 1B.

184. Editorial, *Breakway Systems Could Learn from Saraland*, AL.COM (Jan. 14, 2019, 11:51 AM), https://www.al.com/press-register-commentary/2012/01/breakway_systems_could_learn_f.html [https://perma.cc/RUJ2-FZ34].

185. Rena Havner, *Mobile County System to Build Two Schools Using State Funds*, PRESS-REG. (Mobile), Apr. 23, 2008, at 9A, NEWSBANK.

186. *Id.*

187. See Rena Havner Philips, *School Distance Key Issue in Proposed Satsuma Split from Mobile Public Schools*, AL.COM (Jan. 24, 2011, 12:00 PM), https://www.al.com/live/2011/01/school_distance_key_issue_in_p.html [https://perma.cc/FJM7-EEF9].

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 707

beginning in 2010.¹⁸⁸ Satsuma's middle school students were zoned there, but this only furthered Satsuma's desires to break away, as many residents did not like that their middle school was located so far away.¹⁸⁹

The desire for their children to attend school closer to home was stated as a main driver of Satsuma's split, but there were other arguments in favor of secession as well. Like Saraland, Satsuma residents talked of local pride. Satsuma City Councilwoman Pat Hicks said, "We have a real strong community here. I'll be honest with you, I think all people want local schools, neighborhood schools. I think you have more parent pride and parental involvement."¹⁹⁰ Hicks also spoke of wanting to bring more residents and more jobs to Satsuma.¹⁹¹ The area had seen some local paper mill industries close in 1999 and 2000 and experienced a corresponding loss of jobs.¹⁹² Local residents believed their own school system would attract new businesses and new residents to the area. Satsuma Councilman Tom Williams said, "I feel that we can better educate our children than the Mobile County school system. Splitting off would be a benefit for people who are proposing to move to this area. It would make Satsuma a more attractive place to live."¹⁹³ Again, like Saraland, the stated reasons for secession in Satsuma were not about race. They were about local control, community pride, and generating economic growth. However, it is hard to ignore the fact that in 2010, Satsuma's population was 89% White, compared to 60% for the county as a whole and 45% for the city of Mobile.¹⁹⁴

Given the strong community support in favor of secession, the Satsuma City Council voted in January 2011 to split from MCPSS.¹⁹⁵ And in April, 60% of Satsuma voters approved a \$7.5 million property tax to fund the new school district,¹⁹⁶ demonstrating an economic commitment to the decision.

In neighboring Chickasaw, certain arguments for secession closely mirrored those of Satsuma. For example, Chickasaw residents were also upset about their children having to attend schools outside of the city. The 1989

188. Sally Pearsall Ericson, *North Mobile County K-8 Offers High-Tech Learning*, AL.COM (Mar. 6, 2019, 10:44 PM), https://www.al.com/live/2013/09/north_mobile_county_k-8_offers.html [https://perma.cc/U3XE-43GM].

189. Phillips, *supra* note 187. Google Maps indicates the middle school is an eighteen-minute drive (13 miles) from Satsuma High School.

190. Tolkinen, *supra* note 161.

191. *Id.*

192. *Id.*; Joe Danborn, *Decision Still Stings*, PRESS-REG. (Mobile), May 5, 2001, at 1A, NEWSBANK.

193. Phillips, *supra* note 187.

194. *Id.*

195. Renee Busby, *Satsuma Residents Approve Split from Mobile County School System*, AL.COM (Jan. 14, 2019, 3:07 PM), https://www.al.com/live/2011/04/satsuma_residents_approve_split.html [https://perma.cc/4EVE-ADAP].

196. *Id.*

desegregation consent decree had converted two of Chickasaw's schools to magnet schools, so nonmagnet students in Chickasaw were bused to Chastang Middle School in Mobile's Trinity Gardens and to either Blount or Vigor High Schools in Prichard.¹⁹⁷ Paul Sousa, who would become the interim superintendent of Chickasaw City School District as it began,¹⁹⁸ said "Chickasaw political and civic leaders have long been frustrated by the fact that the county system closed two of the city's schools decades ago to establish countywide magnets there."¹⁹⁹ Chickasaw Mayor Byron Pittman shared this view, stating that residents do not like sending their children outside of the city limits to attend middle and high school.²⁰⁰ Additionally, those Chickasaw residents who did attend the city's Clark Magnet School were upset by MCPSS's decision to move the STEM magnet to Shaw High School in northwest Mobile beginning in the 2009-10 school year. Local resident Teresa Colvin said, "When you have children in their community schools, parents have more involvement and there's more community pride, which is what I'd like to see here,"²⁰¹—a statement that echoed almost word for word the sentiments shared by Satsuma officials.

And like residents of Satsuma and Saraland, residents of Chickasaw, a city which had been experiencing decades of population decline, also believed their own school system would attract additional homebuyers and generate population growth. Chickasaw City Councilman Ross Naze spoke of the families he saw leaving Chickasaw and the desire to attract new families to

197. Rena Havner Philips, *Mayor: Chickasaw Splitting from Mobile County Schools*, AL.COM (Jan. 14, 2019, 4:47 PM), https://www.al.com/live/2019/11/mayor_chickasaw_splitting_from.html [https://perma.cc/9G6J-JMQL].

198. Paul Sousa has had a long history in Mobile County's education systems. He served as the assistant principal of MCPSS's Murphy High School in 1970-71, when integration first happened. See Emmett Burnett, *The Sixties*, MOBILE BAY MAG. (Jan. 6, 2014), <https://mobilebaymag.com/the-sixties/> [https://perma.cc/Q86L-WVVU]. He then went on to serve in an administrative role in the district, helping to devise the magnet plan he later critiqued. See Duke, *supra* note 99, at 114. Sousa served as the superintendent of MCPSS from 1993-98, when the district was declared unitary. And most recently, he acted as a consultant to those areas seceding, before serving as interim superintendents for both Saraland and Chickasaw School Districts. Sally Pearsall Ericson, *Former Mobile Schools Superintendent Touts Benefits of Independent School Systems*, AL.COM (Sept. 22, 2014), https://www.al.com/news/mobile/2014/09/catching_up_with_paul_sousa.html [https://perma.cc/6MXA-CGHW].

199. Rena Havner Philips, *Chickasaw Officials Seeking Students for New School System*, AL.COM (Jan. 14, 2019, 10:01 AM), https://www.al.com/live/2012/05/chickasaw_officials_seeking_st.html [https://perma.cc/43MX-GND3].

200. Philips, *supra* note 197.

201. Rena Havner Philips, *Chickasaw REVIVAL?*, HUNTSVILLE TIMES, Aug. 22, 2011, at 1A, NEWSBANK.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 709

come in, buy homes, and revive the city.²⁰² The decision to start a new school system was linked to larger efforts to reinvent Chickasaw as a whole and make it a bustling, strong community.²⁰³

However, there existed other, likely racially-motivated reasons for the split. Calls for secession became especially loud in 2010 when MCPSS temporarily moved the district's alternative school, which was 73% Black, into the former Chickasaw School of Mathematics and Science building.²⁰⁴ MCPSS promised to find a different, permanent location for the alternative school—comprised of students permanently suspended from other schools—within three years; in the interim, Chickasaw residents complained that the school's students were "roaming around," "being disruptive," and making the neighborhood not as "attractive."²⁰⁵

Inherent in this effort, too, was a general anti-Prichard sentiment in Chickasaw. For most of its history, Chickasaw was an overwhelmingly White community, remaining almost 90% White in 2000. When Black residents did begin to move into the Chickasaw area, the demographics of the community changed quickly, becoming 63% White and 34% Black by 2010. In 2010, Prichard was 88% Black with a median household income of \$21,583 and a median home value of \$65,900. The relatively more affluent area of Chickasaw, with a median household income of \$33,061 and a median home value of \$84,700, wanted to remain separated from the neighboring poverty. For example, in February 2013, news articles reported that Chickasaw put up physical barricades along a road connecting Chickasaw and Prichard, which some speculated were meant to keep Prichard residents out of Chickasaw neighborhoods.²⁰⁶ Though Chickasaw leaders claimed the barriers were a precursor to roadwork, they remained in place for months without any work taking place. Incidents like these suggest that Chickasaw, though not quite as White and affluent as places like Saraland and Satsuma, was pushed to secede by a desire to remain separate from the even poorer and less White Prichard.

202. Rena Havner Philips, *More than Huddle House, Whataburger: Officials Hope Separate School System Will Save Chickasaw*, AL.COM (Aug. 22, 2011, 9:14 AM), https://www.al.com/live/2011/08/chickasaw_is_more_than_a_huddl.html [https://perma.cc/SG4K-8W78].

203. Kathy Jumper, *Chickasaw Plans to Reinvent Itself*, PRESS-REG. (Mobile), June 6, 2010, at 1, NEWSBANK.

204. Rena Havner Philips, *Officials Now Say Tax Hike Vital for School Split*, PRESS-REG. (Mobile), Jan. 24, 2011, at 1, NEWSBANK.

205. Rena Havner Philips, *Not in My Backyard: Residents Resist Idea of Alternative School in the Neighborhood*, AL.COM (Jan. 14, 2019, 4:53 PM), https://www.al.com/live/2010/11/not_in_my_backyard_residents_r.html [https://perma.cc/D6C9-7UKY].

206. Robert McClendon, *Chickasaw Erects Barricades on Prichard Border*, AL.COM (Mar. 7, 2019, 4:35 AM), https://www.al.com/live/2013/02/chickasaw_erects_barricades_be.html [https://perma.cc/8ZKJ-8MY8].

Finally, the impending split in Satsuma spurred on the one in Chickasaw. Chickasaw leaders recognized that if Satsuma split and took control of its school buildings, about 100 Chickasaw students who were zoned to Vigor and Blount High Schools in Prichard, but received transfers to attend Satsuma High School, would no longer be able to attend.²⁰⁷

In March 2009, the Chickasaw City Council voted to commission a study on the feasibility of starting its own school system.²⁰⁸ The City Council then surprised some with its November 2010 announcement that it would be splitting off and putting together a new school board.²⁰⁹ By January 2011, the City Council had formed a school board and began plans to ask its citizens to pay more in taxes to fund the new system.²¹⁰ But it never put the overall secession decision to a vote in the city, as this was not (and still is not) required by state law.²¹¹

The Satsuma and Chickasaw secessions were even more contested and complicated than the Saraland split. In August 2011, MCPSS leaders announced they were prepared to take legal action to prevent Chickasaw and Satsuma from leaving.²¹² They argued Mobile County was exempt from the Alabama law allowing for municipalities to leave county school districts since MCPSS was formed before the state department of education. They also expressed worries about the quality of the proposed school districts and the cities' abilities to fund their own systems. MCPSS school board President Ken Megginson suggested Chickasaw did not have enough of a tax base to support its own system: "When I drive through, I see a Whataburger and a Huddle House. How are they going to be able to afford to provide these children an opportunity to follow their dreams?"²¹³ Prior to taking any legal action, MCPSS leaders tried to offer concessions to Satsuma and Chickasaw in an effort to prevent the separations. During negotiations in August and September 2011, they offered to allow children in the two cities to attend schools in their communities to assuage parents who complained of faraway schools. They also offered to renovate school buildings in the two cities, but

207. Havner Philips, *supra* note 204.

208. Rena Havner Philips, *School Split Studied by Chickasaw Chickasaw Now Looks at Split of Schools*, PRESS-REG. (Mobile), Mar. 27, 2009, at 1A, NEWSBANK.

209. Rena Havner Philips, *Chickasaw Split Surprises Mobile School Officials*, PRESS-REG. (Mobile), Nov. 9, 2010, at 1C, NEWSBANK.

210. Havner Philips, *supra* note 204.

211. Rena Havner Philips, *Chickasaw, Satsuma Still Want Their Own Schools, Despite Potential Suit*, AL.COM (Aug. 27, 2011, 1:29 PM), https://www.al.com/live/2011/08/chickasaw_satsuma_still_want_t.html [https://perma.cc/D5KU-9LDK]; see EDIBUILD, *supra* note 2, at 13.

212. Rena Havner Philips, *Mobile County School Leaders Don't Want Chickasaw, Satsuma to Split*, AL.COM (Jan. 14, 2019, 1:41 PM), https://www.al.com/live/2011/08/county_school_leaders_dont_wan.html [https://perma.cc/HTF7-5EG4].

213. *Id.*

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 711

Chickasaw leaders in particular expressed distrust of any promises from the school board.²¹⁴

Complicating negotiations, MCPSS angered Chickasaw officials in October 2011 when they removed playground equipment from the city's Hamilton Elementary School. MCPSS facilities manager Tommy Sheffield said the equipment was needed at an elementary school in Prichard and denied accusations that the acts were taken in response to Chickasaw's impending split. He stated, "At this point, we're just filling orders we have within our district for our children. This has nothing to do with the politics."²¹⁵

After months of negotiations, Chickasaw and Satsuma signed their official secession agreements with MCPSS in April 2012, only after state superintendent Tommy Bice stepped in to help mediate.²¹⁶ The agreements outlined the following.

Chickasaw acquired the three school buildings within its limits: Hamilton Elementary School, Chickasaw School of Mathematics and Science (an elementary magnet school), and Clark-Shaw Magnet School (a middle magnet school). MCPSS was allowed to lease the Hamilton Elementary building back for another four years (by forgiving Chickasaw \$100,000 in construction debt) in order to operate its elementary magnet school for math and science.²¹⁷ Upon opening in 2012–13, Chickasaw City School District placed all of its students in the building that used to house Clark-Shaw Magnet School and renamed this school Chickasaw City High School. When Chickasaw gained custody of the old Hamilton Elementary building in 2015–16, they moved PK–5 grade students there and renamed it Chickasaw City Elementary School. Students in Grades 6–12 remained at the high school. Satsuma also acquired three buildings within its town limits: the former Robert E. Lee Primary Elementary School, Robert E. Lee Intermediate Elementary School, and Satsuma High School.

Most students residing in Chickasaw and Satsuma would not be allowed to enroll in MCPSS magnet schools without paying the out-of-district tuition fee. But students in Grades 11 and 12 would be allowed to stay in MCPSS

214. Rena Havner Philips, *Chickasaw Doesn't Want Concessions from Mobile County School System; It Wants to Split*, AL.COM (Jan. 14, 2019, 1:22 PM), https://www.al.com/live/2011/09/chickasaw_doesnt_want_concess.html [https://perma.cc/RH7L-D215].

215. Rena Havner Philips, *Chickasaw City Leaders Upset by Playground Removal*, AL.COM (Jan. 14, 2019, 12:59 PM), https://www.al.com/live/2011/10/chickasaw_city_leaders_upset_b.html [https://perma.cc/2KJ3-MYRH].

216. AL.com & Press-Register Editorial Board, *Alabama's Intervention Eases Mobile-Area School Transition (Editorial)*, AL.COM (Apr. 05, 2012, 10:00 AM), https://www.al.com/press-register-commentary/2012/04/alabamas_intervention_eases_mo.html [https://perma.cc/665S-QMNC].

217. Rena Havner Philips, *Chickasaw, Satsuma School Officials: Today Is a Day for the History Books*, AL.COM (Jan. 14, 2019, 10:21 AM), https://www.al.com/live/2012/04/chickasaw_satsuma_school_offic.html [https://perma.cc/KE6C-4T3C].

schools until they graduated, and special education students enrolled at the county's Augusta Evans Special School and the Regional School for the Deaf and Blind would be allowed to remain enrolled as well, for up to four more years.²¹⁸ However, the new school districts had to reimburse MCPSS for the costs of these students and their transportation. Neither new district would owe MCPSS for previous school renovations.²¹⁹

In order to accommodate students displaced by these splits, MCPSS redrew a few of its school attendance boundaries. North Mobile County Middle School in Axis became a K-8 school to accommodate elementary students who used to attend Satsuma's elementary schools but didn't live within the municipality. And students in that area who used to attend Satsuma High School were rezoned to Citronelle High School, twenty miles away.²²⁰

V. OUTCOMES OF DISTRICT SECESSION

Despite the race-evasive language used to advocate for these splits, the school district secessions within Mobile County had clearly racialized outcomes. Here, we detail the implications of each secession and the racially disparate effects on the schools that seceded and those left behind in MCPSS. Because the seceding communities talked about secession as a community development strategy, we consider the population characteristics as well as school enrollment. Given the outcomes we witness in Mobile County, we explore what the current legal and political contexts permitting secession mean for public schools and for democracy in this racially diverse metropolitan area.

A. Residential Segregation & Inequality

While Saraland, Satsuma, and Chickasaw all differed racially and economically from Mobile County as a whole before secession, the splits have furthered the segregation between these residential areas (Table 2). In addition to segregating residents of different races, the secessions have increased the segregation of economic resources. For example, Saraland has become increasingly more affluent than the county as a whole since it created its own school district. In 2000, Saraland's median household income was 14% greater than that of Mobile County, while the median home value was slightly

²¹⁸ *Id.*

²¹⁹ Rena Havner Philips, *State Schools Superintendent Reaches Verdict on Satsuma, Chickasaw Split*, AL.COM (Jan. 14, 2019, 10:17 AM), https://www.al.com/live/2012/04/state_schools_superintendent_r.html [https://perma.cc/4DFE-WF6J].

²²⁰ Rena Havner Philips, *34 Mobile County School Zones Proposed to be Tweaked*, AL.COM (Jan. 14, 2019, 12:39 PM), https://www.al.com/live/2011/11/34_mobile_county_school_zones.html [https://perma.cc/G4TC-QKH5].

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 713

less than that of the county overall. But as of 2019, Saraland's median household income was 27% greater than the county's, and the median home value was about 14% higher than that of the county. The economic growth of both Saraland and Satsuma lends justification to the earlier race-evasive rationale voiced by community leaders in advocating for separate districts, regardless of the segregative effects on the larger region.

Table 2: Residential Household Characteristics^W

	Location	Population	Median Household Income		Median Home Value	
			Value	Percentage of county figure	Value	Percentage of county figure
2000	Saraland City	12,208	\$38,318	113.7	\$79,300	95.5
	Satsuma City	5,687	\$50,496	149.8	\$93,300	116.0
	Chickasaw City	6,364	\$27,036	80.2	\$56,000	69.6
	COUNTY	399,843	\$33,710	100.0	\$80,500	100.0
2010	Saraland City	13,405	\$48,721	118.9	\$130,100	102.9
	Satsuma City	6,108	\$59,209	144.6	\$145,000	115.4
	Chickasaw City	6,106	\$33,061	80.6	\$84,700	67.0
	COUNTY	412,992	\$40,996	100.0	\$126,400	100.0
2019	Saraland City	16,171	\$60,633	127.4	\$149,000	114.4
	Satsuma City	6,749	\$64,348	135.2	\$155,800	119.7
	Chickasaw City	6,457	\$28,611	69.1	\$75,500	58.0
	COUNTY	414,809	\$47,383	100.0	\$130,200	100.0

And by separating residential areas within the county by way of school district boundary lines, local leaders have certainly affected the larger region. In particular, the secessions cordon off economic resources and reserve them for small areas rather than allowing them to be more equitably distributed among all students within the county. In the 2017–18 school year, the per pupil expenditures funded through local sources totaled \$1,896 in Saraland and \$2,202 in Satsuma, compared to \$1,656 in MCPSS and \$1,252 in Chickasaw. Though state and federal sources help to partially mitigate the discrepancies, the school district secessions have segregated local resources among areas with drastically different racial and economic characteristics, creating Whiter areas with more affluent students and schools, while leaving areas with higher shares of Black residents with less affluent students and schools.

Saraland in particular has also seen substantial geographic and population growth as surrounding homeowners petition for annexation into the municipality. According to the Mobile County GIS website, there were 230 separate annexations between 2006 and 2020. Census counts show the city's population increased by 32% between 2000 and 2020, and the school district has doubled its enrollment since it first opened. The fact that families continue to buy in to seceded areas like Saraland speaks to the political acceptability of

^W Source: 2000 Census, 2010 Census, 2019 ACS 5-year estimates.

secession as a mechanism to segregate students and separate resources. It also demonstrates how schools perceived to be of high quality, especially segregated White ones, become exclusive and available only to those with the economic resources and racial privilege to buy access (by purchasing a home in Saraland, for example), rather than remaining fully accessible public goods that publicly funded education ought to be.

B. School Segregation & Inequality

Similar to the differences in residential populations, there are stark differences in the student populations of each school district. Total public school enrollment in the county decreased by about 4,000 students in the twelve years following the first secession (Table 3). However, the seceded districts saw their combined enrollments grow to over 6,300 students by 2019–20, while MCPSS has experienced steep declines of more than 10,000 students. Furthermore, as MCPSS has seen a decreasing percentage of White students in recent years, Saraland's and Satsuma's districts remain substantially Whiter than the county district. Saraland and Satsuma also have relatively low percentages of students who qualify for free- and reduced-price lunch (a proxy measure of students' socioeconomic status), especially as compared to MCPSS and Chickasaw City, before those districts began offering free lunch to all students.

	District	Enrollment	%White Students	%Black Students	%Hispanic Students	%Other Races [¶]	% Free/Reduced Lunch Students
2007-2008	MCPSS	64,461	45.1	50.4	1.3	3.2	63.0
	TOTAL	64,461	45.1	50.4	1.3	3.2	63.0
2008-2009	MCPSS	62,225	44.3	50.9	1.5	3.3	65.1
	Saraland City	1,528	77.7	19.1	1.7	1.5	55.2
	Satsuma City	1,528	77.7	19.1	1.7	1.5	55.2
	TOTAL	63,753	45.1	50.1	1.5	3.3	64.9
2012-2013	MCPSS	58,625	42.9	50.9	2.1	4.1	73.5
	Saraland City	2,526	81.1	14.7	1.9	2.3	51.1
	Satsuma City	1,463	86.9	10.9	0.5	1.7	42.0
	Chickasaw City	864	27.0	70.3	1.0	1.7	88.3
	TOTAL	63,478	45.2	48.8	2.0	3.9	72.1
2019-2020	MCPSS	53,941	39.0	49.7	4.9	6.4	—
	Saraland City	3,233	72.1	16.7	2.8	8.4	43.1
	Satsuma City	1,592	84.4	9.2	1.4	5.0	39.3
	Chickasaw City	1,514	33.4	58.7	4.4	3.6	—
	TOTAL	60,280	41.8	47.1	4.6	6.4	—

[¶] Source: National Center for Education Statistics, Common Core of Data.

[¶] Includes Asian or Asian/Pacific Islander, American Indian/Alaska Native, Hawaiian Native/Pacific Islander, and multiracial students—The Community Eligibility Provision offers all students in these districts free lunch.

When looking at levels of multiracial school segregation within Mobile County over time, we find that the percentage of the overall school segregation caused by segregation between school districts has increased substantially (Table 4). The increase was inevitable, as the contribution of district boundary lines to overall segregation was, by definition, zero in the years before secession. The consistent increases in this percentage over time are concerning because increases in multiracial school segregation are unlikely to be addressed through common district assignment policies. In particular, the increases in the percentage of overall segregation due to segregation between districts seen since the last secessions in 2012 show that the seceded areas are becoming less and less similar to the county over time. As of the 2019–20 school year, almost one tenth of the total school segregation seen in the county was due to the segregation across district boundary lines, while the remainder was due to segregation within school districts.

Schoolyear	Number of districts	Overall school segregation	Segregation between school districts	Percentage of overall school segregation due to segregation between school districts
2007-08	1	0.397	0.000	0.0
2008-09	2	0.389	0.007	1.7
2009-10	2	0.380	0.008	2.1
2010-11	2	0.366	0.010	2.8
2011-12	2	0.356	0.012	3.4
2012-13	4	0.353	0.027	7.5
2013-14	4	0.348	0.026	7.4
2014-15	4	0.344	0.027	8.0
2015-16	4	0.334	0.028	8.3
2016-17	4	0.322	0.028	8.8
2017-18	4	0.309	0.028	9.1
2018-19	4	0.305	0.029	9.4
2019-20	4	0.293	0.028	9.6

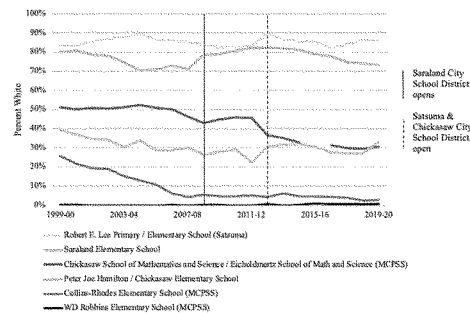
The overall trends point to the increasing role of district boundary lines in perpetuating segregation overall, but even these trends mask more detailed patterns in the schools most directly affected by the secessions. To analyze these patterns, we next offer a separate examination of the school-level demographic changes within schools located in Saraland, Satsuma, Chickasaw, and neighboring northern Mobile County communities.

First, we analyze elementary schools within the area (Figure 5). MCPSS's Saraland Elementary School became part of Saraland City Schools in 2008–

09 and saw its White population increase from 71% in 2007–08 to 79% in the following year. Since then, the school has maintained a population that is more than three-quarters White. In Satsuma, the MCPSS schools known as Robert E. Lee Primary School and Robert E. Lee Intermediate School consolidated to become Robert E. Lee Elementary School in 2012–13 when Satsuma City split and acquired the building. This building saw an immediate increase in its percentage of White students from 82% to 89% following the secession, and in 2019–20, it remained 86% White. Similarly, MCPSS's Hamilton Elementary School was renamed Chickasaw Elementary School in 2012–13 when Chickasaw split. Since seceding, Chickasaw Elementary School has remained about one-third White.

Meanwhile, nearby MCPSS schools have experienced decreasing populations of White students in recent years. Collins-Rhodes Elementary School has an attendance zone that neighbors the western edge of Saraland and Chickasaw, and since 2006–07, it has had a student population that is only about 5% White. Similarly, W.D. Robbins Elementary School sits to the south of Chickasaw in Prichard and has been almost entirely Black for the past twenty years. While Chickasaw Elementary is not as overwhelmingly White as schools in its fellow secession districts, it certainly has a higher percentage of White students than neighboring schools in Prichard. Finally, the Chickasaw School of Mathematics and Science was an MCPSS elementary magnet school located in Chickasaw that was moved to the southwest area of Mobile City and renamed the Eichold-Mertz School of Math and Science after Chickasaw seceded. This once racially integrated school was 49% Black and 51% White in 1999–2000. However, it has seen a steadily decreasing percentage of White students over the years, especially since the Chickasaw split in 2012.

Figure 5: Percentage of White Students in Elementary Schools in North Mobile County²²¹

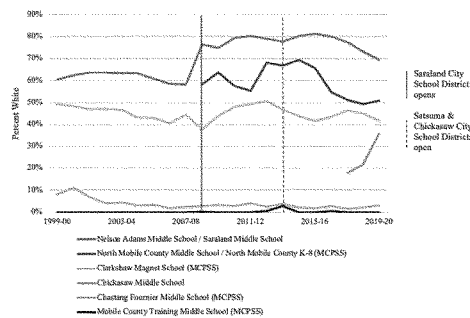


Trends within middle schools are similar (Figure 6). Nelson Adams Middle School was an MCPSS school through the 2007–08 school year and then became part of Saraland City Schools. This shift caused the school to go from 58% White in 2007–08 to 76% White in 2008–09, and it has remained about three-quarters White since then, similar to Saraland Elementary. North Mobile County Middle School was built in 2008–09 to accommodate MCPSS students displaced from Adams when Saraland split away, and it later became a K-8 school in 2012–13 to accommodate additional students displaced when Satsuma split away. Its student population has fluctuated over the years, but the percentage of White students attending this MCPSS school has especially decreased since 2014–15. Clark-Shaw Magnet School is an MCPSS middle school that was once located in Chickasaw but was relocated to western Mobile County beginning in 2013–14. Its percentage of White students has also decreased slightly since the move, though it remains integrated today with 45% White students and 45% Black students. Still highly segregated, however, are the non-magnet middle schools in the areas surrounding the seceded districts. Mobile County Training Middle School is an MCPSS school east of Prichard and Chickasaw that has always been almost entirely Black.

221. Figure 5 was created with ArcGIS Pro using data from the National Center for Education Statistics, Common Core of Data.

Similarly, Chastang Fournier Middle School is an MCPSS school whose attendance zone borders the western edge of Saraland and Chickasaw. It has had a low percentage of White students, but it has seen that percentage decline over the years from a peak of 11% in 2000 to 3% as of the 2019–20 school year.

Figure 6: Percentage of White Students in Middle Schools in North Mobile County²²²



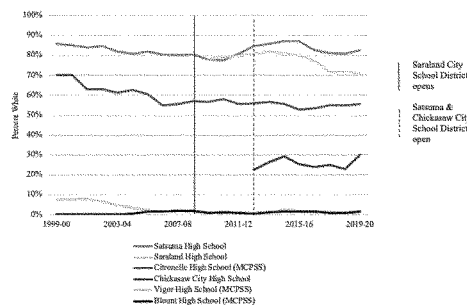
Finally, at the high school level, Saraland High School opened in Saraland City Schools in 2009–10 and has been majority White since that time (Figure 7). Satsuma High School was part of MCPSS through the 2011–12 school year, but then became part of Satsuma City Schools in 2012–13 and experienced an increasing percentage of White students in the years after the split. Chickasaw City High School opened in 2012–13 after Chickasaw’s secession, and it has a higher percentage of White students than its neighboring MCPSS high schools, namely Blount and Vigor High Schools. The new Blount High School building opened in Eight Mile, in northern Mobile County, in spring of 2005, but the school has remained almost entirely Black. Part of the reason for moving Blount was to locate the school in an area where it could draw rural White students from places like Saraland and

²²² Figure 6 was created with ArcGIS Pro using data from the National Center for Education Statistics, Common Core of Data.

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 719

Satsuma to help promote integration. However, the secessions of these municipalities have limited the prospects of integration happening at Blount. Similarly, Vigor High School is also almost entirely Black. Notably, Vigor lost many of its White students in the years leading up to Saraland's secession, as students were increasingly unwilling to attend the majority Black school. For example, thirty-four students transferred out of Vigor High School in the 2003–04 school year, with many of those students choosing to instead attend Satsuma High School or LeFlore High School, the latter of which was a magnet school at the time.²²³ Lastly, Citronelle High School is an MCPSS school whose attendance boundary neighbors the northern edges of Saraland and Satsuma. As a rural school that draws students from the northernmost part of the county, it does have a predominantly White population, but that population has declined over the last twenty years.

Figure 7: Percentage of White Students in High Schools in North Mobile County²²⁴



Taken together, analysis of individual schools in the northern part of Mobile County show how the school district secessions have taken resources,

223. Rena Havner, *Few Students Transfer out of Schools on List*, PRESS-REG. (Mobile), Sept. 7, 2003, at 1B, NEWSBANK.

224. Figure 7 was created using data from the National Center for Education Statistics, Common Core of Data.

school buildings, and students away from neighboring MCPSS, leaving increasingly racially isolated schools behind. The act of secession impacts not only those who leave a school district, but also affects those who remain, demonstrating the interconnectedness of our society.²²⁵ In addition to using resources to support multiple systems instead of one common system, students will lack the opportunity to learn with and from one another across these boundary lines. Rather than seeing the fates of students across the county, state, or nation as intertwined, secessionists literally and figuratively shrink the boundaries around who and what they will support, narrowing their concept of community.²²⁶ Especially in their cries for local control, proponents of school district secession reveal that they mean for “local” to refer to often homogenous groups living in smaller geographic areas. But as James Madison warned in the *Federalist Papers*, “the smaller the society,” the easier it is for narrow factions to undermine broader public interests.²²⁷ For example, those excluded from newly drawn boundaries may find their own local control limited. If we instead conceptualize community as much larger than the “local” homogenous neighborhoods to which secessionists refer, we see how school district secession threatens our democratic ideals, especially as our society becomes increasingly multiracial and interconnected.

VI. CONCLUSION

At the beginning of the twenty-first century, inequality among the U.S. population is rising as the country is projected to reach a majority of residents of color by the middle of the century. The public school enrollment already has no racial or ethnic group that comprises a majority of students. Large racial wealth gaps persist, however, including among households with school-aged children, that ultimately shape the extent to which families are able to access schools with higher educational opportunity—and whether children will have meaningful cross-racial experiences that will better prepare them for their future as citizens in a multiracial democracy. This is perhaps especially important in the Deep South, a region with substantial racial diversity and a

225. See Mickelson & Nkomo, *supra* note 10, at 197; GENEVIEVE SIEGEL-HAWLEY, A SINGLE GARMENT: CREATING INTENTIONALLY DIVERSE SCHOOLS THAT BENEFIT ALL CHILDREN 9 (2020) (drawing from Martin Luther King Jr.’s *Letter from a Birmingham Jail* to conceptualize public schools as critical institutions for “weaving together our single garment.”).

226. See WEIHER, *supra* note 74, at 182.

227. THE FEDERALIST NO. 10, *supra* note 9, at 54 (“The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression.”).

2022] SCHOOL DISTRICT SECESSION: MOBILE COUNTY, ALABAMA 721

long history of slavery and Jim Crow policies that shaped the political and social landscape and the rights and opportunities of Black residents, which has ramifications for today.

As seen, one significant shift over the last seven decades is conceptualizing of publicly-funded schools not as a cornerstone of our democracy and a public good, but instead as a private good to help prepare one's child(ren) for social mobility. This privatized framing in a larger legal and political environment that is race-evasive legitimates efforts that draw boundaries to separate children from one another, even when this unequally allocates public resources, and likely opportunities. In Mobile County, schools never fully desegregated, and recent district secessions are the newest, race-evasive strategy employed to resist integrated schools. Many of the arguments of stakeholders in Saraland, Chickasaw, and Satsuma mirrored those used by White residents decades prior to resist more comprehensive court ordered desegregation and contained the same underlying desire to keep White students out of largely Black schools but without ever explicitly stating that.²²⁸ Regardless of the stated reasons for secession, the effects of these decisions are racialized and have perpetuated patterns of segregation in Mobile County. Both the residential communities and school populations of Saraland and Satsuma remain much whiter and more affluent than those of the county overall, and their new school district boundary lines serve to hoard that affluence for the mostly White families who live within those districts. Nearby Chickasaw, though less affluent and White than Saraland or Satsuma, has effectively separated itself from Prichard, which remains even less advantaged. It seems that here especially, the split was motivated by desires for racial separation. Such segregation undermines goals of integration and social cohesion necessary for a functioning multiracial democracy.

This Article illustrates how school district secession remains a legal and politically acceptable mechanism by which to maintain patterns of segregation and inequality. District secession is particularly common in the South, a region of the United States where historical context was to prefer secession rather than grant basic civil rights and liberties to Black Americans who were enslaved.²²⁹ Today, Alabama state law continues to make it exceedingly easy for municipalities to secede. Despite several proposals to change the secession

228. Any attempts to suggest the racial motivations for secession were rebuked by secession proponents. See, e.g., Tolkinen, *supra* note 166. Similarly, earlier accusations that race played a role in the rejection of so many school funding referendums also generated controversy. Rebecca Catalanello, *Race a Factor in School Tax Debate?*, PRESS-REG. (Mobile), Mar. 4, 2001, at 1A, NEWSBANK.

229. Taylor et al., *supra* note 1, at 1, 2.

law,²³⁰ it still currently allows for any municipality with more than 5,000 residents to decide to secede, without requiring any citizen vote or analysis of possible implications, as are required in other states.²³¹ Furthermore, secession remains politically popular among advantaged, White residents in Mobile County, evidenced by the recent growth in population of the seceded areas. Throughout Alabama and the South, secession remains a popular action to break away from countywide school districts with diverse student populations. The current legal and political context have dire implications for schools and their ability to prepare educated citizens ready to live, work, and vote in a multiracial society. Recasting public schooling as essential for cohesion in a multiracial democracy is an essential first step, followed closely by reconsidering what strategies will help to further racial justice in K–12 schools for all students.

230. In 2018, Alabama State Senator Linda Coleman-Madison proposed Senate Bill 44, which sought to raise the minimum number of people a city needed to establish its own school district from 5,000 to 25,000, but the bill died in committee. S.B. 44, 2018 Leg., Reg. Sess. (Ala. 2018). In 2019, the senator reintroduced the idea as House Bill 268, which sought to raise the minimum number of people to 15,000; this also died in committee. H.B. 268, 2019 Leg., Reg. Sess. (Ala. 2019).

231. EDBUILD, *supra* note 2, at 20–32.

