



Alabama Giving School Choice a Try

By Jon Gabriel

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Alabama's education system has struggled for years. This August, the state was ranked 48th in the nation in a study evaluating math and reading scores, dropout rates, and student-to-teacher ratio.

This week, Alabama's leadership took a big step in correcting this seemingly intractable problem. Instead of building elaborate new facilities, handing out iPads, or pumping more money into the broken system, the state is giving choice a chance.

In the face of ugly opposition, the Republican-controlled legislature passed the School Choice and Student Opportunity Act. Gov. Robert Bentley is expected to sign the bill, which will allow charter schools for the first time in the Yellowhammer State.

Contrary to popular misconception, charter schools are public, but they are allowed to try more innovative solutions to educate K-12 students. By law, charter schools cannot charge tuition, are open to all children, and have no special entrance requirements. The variety provided by charters gives parents the ability to choose the education they believe is best for their child.

"It is a great day for parents and students in Alabama," said State Senator Del Marsh, who introduced the bill. "For far too long parents have been stuck with the status quo when it comes to the quality of education for their children. I understand that there is no silver bullet to solve all problems in education, but public charter schools give parents an option."

Naysayers fought passionately to stop the choice initiative. Democrat State Representative Johnny Mack Morrow claimed the bill "may very well set Alabama education back 50 years." Nancy Worley, the state's Democratic Party chair, even claimed that charter schools are "hotbeds for corruption." An ironic claim for someone backed by public sector unions.

Despite the panicked invective, the proposed law requires Alabama charters to meet strict standards for performance and accountability.

If a school does not meet the expectations set in their charter, they will be closed. In addition, to meeting performance standards, they would also be required to submit their school's finances for independent audit on an annual basis.

A cap of 10 new public charters may be created during a single fiscal year, for the first five years. If no cap is reached, the remaining spots will be rolled into the next immediate fiscal year.

There is no limit on conversion charters, however all decisions to approve or reject these types of charters are made by local school board.

State legislators aren't the only ones changing the status quo in the heart of Dixie. The Alabama Supreme Court just ruled that a modest school choice initiative passed in 2013 was constitutional.

The Alabama Accountability Act allowed low-income students stuck in failing schools to apply for scholarships to attend a better school. Jason Bedrick of the Cato Institute reported on the ruling:

Predictably, defenders of the government's near-monopoly over K-12 education immediately ran to the courts to prevent any children from escaping. The Southern Poverty Law Center filed a lawsuit in federal court, absurdly claiming that the AAA violated the U.S. Constitution's Equal Protection Clause because it failed to rescue all children from low-performing district schools. In other words, the SPLC argued that the U.S. Constitution would prohibit any incremental reforms to address social problems. Fortunately, the federal judge dismissed the SPLC suit, holding that the "equal protection" it sought was, "in effect, equally bad treatment."

The Alabama Education Association, the state's largest teachers' union, also filed a series of separate lawsuits challenging the AAA in state court. The Alabama supreme court dismissed the first two union lawsuits, which had challenged the law on procedural grounds. In its third attempt, the union raised ten legal claims in a desperate spaghetti-against-the-wall gamble. A few of them stuck in a lower court, but the state supreme court rejected all ten in a 222-page decision.

Let's hope that Alabama's progress on school choice continues for the parents' and children's sake.