



Your local government has a huge, corrupt incentive to keep private schools from reopening this fall

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If you live in or around the nation's capital, you're probably aware that a fight has been brewing in Montgomery County, Maryland over whether private schools in the county will be allowed to reopen this fall. Montgomery County is one of the most populous and wealthy counties in America, and because of its proximity to Washington, D.C., local government fights there tend to get more attention than what might be happening in your county in flyover country.

Thus it is that even Fox News and other national outlets have been covering a fight that seems local, but is in reality national. Montgomery County, you see, had issued a blanket order that private and religious schools could not offer in-person education prior to October 1st, no matter what. The county issued this order even though many private schools in the county had taken extraordinary measures — certainly much more than their public school counterparts — to prevent the spread of COVID-19 in their schools.

Maryland's Republican Governor Larry Hogan overruled Montgomery County's order on Monday, saying that it was overly broad and that it exceeded the authority granted to counties under his own emergency order. According to Hogan, counties can only close private schools if they make an individual determination on a case-by-case basis that the schools are unsafe. Seems like a case of "all's well that ends well," right?

Wrong.

As Cato Institute fellow Walter Olson has noted, county governments are not making these decisions in a vacuum. Those governments have a huge, corrupt incentive to keep private schools closed, and it's the same corrupt incentive that drives a large percentage of government decisions: money. It sure isn't public health.

Take Montgomery County, for example, which barely even tried to hide what it was doing. As Olson noted, the October 1st date seems a bit weird. It's clearly after the school year is supposed to start and the county didn't offer any compelling public health reason for choosing the date. I suppose it could be argued that the county was just picking a date out of a hat that fell on the first day of the month at some point a couple months hence.

However, it also just so happens that that date is the day after the deadline for enrollment in public schools in Maryland. On September 30th, the schools have to finalize their enrollment figures for the purposes of reporting to federal and state agencies. Those enrollment figures are

then used, in turn, to determine which school districts get what share of the federal and state taxpayer pot. And it also just so happens that Montgomery County public schools were just absolutely getting killed on their enrollment figures this year, just like a lot of public schools around the country, as parents seek to avoid the uncertainty surrounding what public education will look like by either homeschooling their kids or seeking a more stable private option.

I suppose it is possible that all these things are just coincidences and that the good folks in Montgomery County government are just trying to do what's right. For, you know, the kids. I wouldn't, however, consider it to be likely.

Let's be clear: private schools, charter schools, and home schooling are competition for public schools. And if there is one thing school districts and teachers' unions have been clear about intensely disliking, it is competition. Luckily for them, in many cases they have been given the authority this year to literally shut down their competition under the guise of public health.

In the county government view of the world, every student that does not attend a public school represents lost revenue. That's a powerful incentive to do exactly what Montgomery County did. And if your local county is making a similar decision, it should be subjected to similar scrutiny.