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Sean Cavanagh covers state education policy – elections, news, and assorted trends and tidbits – for *Education Week*. He previously worked as a reporter for newspapers in Tennessee and Florida.



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## Does New Indiana Voucher Law Squeeze Private School Rights?

By [Sean Cavanagh](#) on May 5, 2011 9:55 AM | [No comments](#) | [No recommendations](#)

Adam Schaeffer, an analyst at the Cato Institute who has **questioned** the financial implications of Indiana's landmark new voucher law, has followed up with a second essay that argues that the measure could undermine private schools' academic and institutional freedom.

In a **piece published** by the Huffington Post, Schaeffer says the plan will detract from private schools' curricular diversity and effectively "homogenize" them by requiring that they follow many of the testing, reporting, and academic requirements of public schools.

Indiana Republican Gov. Mitch Daniels, a potential 2012 presidential contender, signed the voucher bill, as well as a measure to expand charter school access, into law today. As I recently reported, Indiana's sweeping voucher law is one of **a bevy of school choice proposals** pushed by GOP officials in states around the country this year.

"Indiana is at the forefront of a growing national movement that will ensure our students receive the quality instruction they deserve," said Indiana state schools chief Tony Bennett, a backer of both measures. "By boldly asserting every child's right to attend a great school, the Hoosier state has taken a powerful stand in favor of equal educational opportunities for all children."

Indiana's voucher measure has been widely hailed by school-choice advocates as one of the most expansive private-school voucher efforts in the country. In contrast to the vast majority of school voucher programs, which channel taxpayers funds to targeted populations such as economically disadvantaged students and those with special needs, the Indiana law's eligibility requirements are relatively loose, allowing families that could be considered middle class public money for private school tuition.

Cato is a libertarian think tank that looks favorably on school choice, and Schaeffer makes it clear that he supports expanded private and public school choice, too. But he notes that participating private schools **would be required** to take part in state tests and the state's A-F school grading system, and follow some basic state academic standards for what can and cannot be taught—some of it related to the study of government and the U.S. Constitution. In his essay, Schaeffer says the Indiana voucher law amounts to "a tactical victory for highly constrained choice won at the price of a broad strategic defeat for educational freedom."

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The new law, he says:

"[E]stablishes extensive and detailed new curriculum and pedagogical requirements for participating private schools, including some requirements that are not currently a part of state accreditation. For instance, private schools must 'provide good citizenship instruction that stresses the nature and importance of,' among other items, 'respecting authority,' 'respecting the property of others,' respecting the student's parents and home,' 'respecting the student's self,' and 'respecting the rights of others to have their own views and religious beliefs.' What does this mean for religious private schools teaching that one can only be saved by belief in Jesus Christ? Would a school wherein a teacher discusses the recent federal healthcare legislation violate the provision mandating respect for authority should she criticize the law, or perhaps violate a respect for property if she speaks favorably of the individual insurance mandate in that law?"

In addition, by dangling taxpayer money in front of non-public schools, Schaeffer argues that the plan will put pressure on financially strapped private schools that might have qualms about the measure's requirements to participate.

Will Indiana's measure result in private schools being compelled to follow more of a public school-oriented academic model, as Schaeffer suggests? Or are the state's requirements a fair price to ask of those schools, in exchange for access to public funding?

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