

# PUBLIC SCHOOLING IN AMERICA

Measuring Each State's Commitment  
to Democratically Governed Schools



March 2024



**NETWORK for  
PUBLIC EDUCATION**

# ACKNOWLEDGMENTS

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# TABLE OF CONTENTS

<b>Executive Summary</b>	<b>2</b>
<b>Introduction</b>	<b>5</b>
<b>Methodology</b>	<b>7</b>
<b>Results</b>	<b>8</b>
<b>Overall Grades</b>	<b>9</b>
<b>Privatization</b>	<b>10</b>
<b>Vouchers</b>	<b>10</b>
<b>Charter Schools</b>	<b>14</b>
<b>Privatization Grades</b>	<b>18</b>
<b>Homeschooling</b>	<b>19</b>
<b>Financial Support for Public Schools</b>	<b>22</b>
<b>Freedom to Teach and Learn</b>	<b>24</b>
<b>Other Grades</b>	<b>29</b>
<b>Conclusion</b>	<b>30</b>
<b>Appendix</b>	<b>32</b>
<b>Endnotes</b>	<b>41</b>

# EXECUTIVE SUMMARY

Neighborhood public schools remain the first choice of the overwhelming majority of American families. Despite their popularity, schools, which are embedded in communities and governed by elected neighbors, have been the target of an unrelenting attack from the extreme right. This has resulted in some state legislatures and governors defunding and castigating public schools while funding alternative models of K-12 education.

This 2024 report, *Public Schooling in America: Measuring Each State's Commitment to Democratically Governed Schools*, examines these trends, reporting on each state's commitment to supporting its public schools and the children who attend them.

## What We Measure

We measure the extent of privatization in each state and whether charter and voucher laws promote or discourage equity, responsibility, transparency, and accountability. We also rate them on the strength of the guardrails they place on voucher and charter systems to protect students and taxpayers from discrimination, corruption and fraud.

Recognizing that part of the anti-public school strategy is to defund public schools, we rate states on how responsibly they finance their public schools through adequate and equitable funding and by providing living wage salaries for teachers.

As the homeschool movement grows and becomes commercialized and publicly funded, homeschooling laws deserve public scrutiny. Therefore, we rate states on laws that protect children whose families homeschool.

Finally, we include a new expansive category, freedom to teach and learn, which rewards states that reject book bans, and the use of unqualified teachers, intolerance of LGBTQ students, corporal punishment, and other factors that impinge on teachers' and students' rights.

## Results

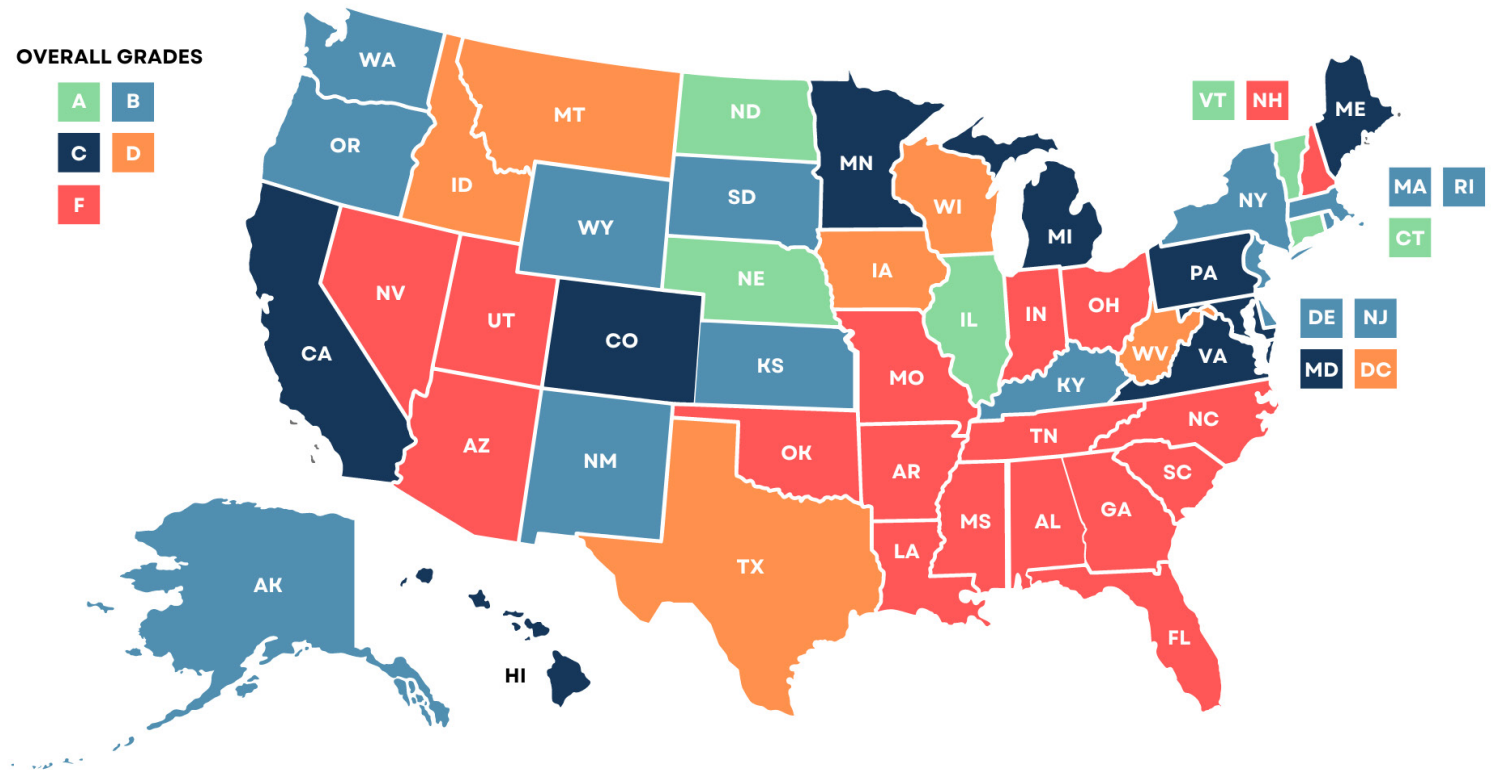
Five states received a grade of "A" for their strong support of public schools and students; thirteen states were awarded a B, nine a C, seven a D, and seventeen received a grade of F. These seventeen states earned less than half of all possible points, raising serious concerns regarding how they support their public schools and protect children — in educational settings within and outside their public schools.

### Top five states

1. North Dakota
2. Connecticut
3. Vermont
4. Illinois
5. Nebraska

### Bottom five states

47. Arkansas
48. North Carolina
49. Utah
50. Arizona
51. Florida



The following findings stood out as we examined the relationships between and among the categories we studied.

- Seventy-one percent of states show a clear association between privatization laws and other measures (homeschooling, financing, and freedom to teach and learn). These states had either the same letter grade in both groupings or were only one letter grade apart (e.g., Connecticut “B” for privatization, “A” for other).
- The alignment between privatization and the three other measures was most apparent in states whose overall grade was an “F.” Of the 17 states that received this grade, 16 had either an “F” in both or a “D” and “F” combination.
- Although voucher costs have grown exponentially since 2000, private school enrollment has not — decreasing from 11.38% in 1999 to 9.97% in 2021. This indicates that vouchers are going primarily to students whose families would have chosen and paid for private school costs, thus placing an unnecessary burden on taxpayers.
- Charter churn — the opening and closing of charter schools — continues to burden both families and taxpayers. According to the National Center for Education Statistics, in 2022-23, there were 240 “new” charter schools, 30 of which had 25 or fewer students. Comparing the 2022 database to the 2021 database, we identified 139 charter schools that closed, became public schools, or were inactive without students.

- The political makeup of the state government has a profound effect on states that earned an “F.” All but two (Arizona and North Carolina) have [a Republican trifecta](#) — Republican control of the House, Senate, and Governorship. Although Arizona presently has a Governor who is a Democrat, it recently emerged from a [14-year Republican trifecta](#). North Carolina, the other “F” state with a divided government, has a Democrat governor with a Republican supermajority that has overruled the governor’s veto when he has attempted to protect public schools.
- Political parties are less impactful in “A” states — two have a Democratic trifecta, two have a Republican trifecta, and one (Vermont) has a divided government.
- Florida stands out for its terrible policies across the board. In every category, it was at the bottom or near the bottom, achieving only 17 percent of possible points. Years of hostile policies have taken their toll, with only about 74 percent of K-12 students attending public schools. Arizona is only marginally better.
- Connecticut has solid scores across the criteria, except for its homeschooling policies. By implementing reforms to protect homeschooled students, it could become the top-rated state.
- While successfully resisting privatization, North Dakota should increase its funding for public schools based on its ability to pay and bring teacher salaries up to par with the state’s cost of living.

The war on public schooling is progressing as Christian nationalism and the extreme right have become mainstream in many states, but that progress is uneven. This report card identifies, state by state, how far that war has advanced.

At the same time, we recognize and commend those states, some blue and some red, that keep their public schools and the children attending them front and center in their policies and laws. Even poorly rated states can make improvements by adjusting their policies, increasing funding, and amending their laws.

# INTRODUCTION

The Network for Public Education issued a national report card in 2018, rating each state's commitment to democratically governed public schools. In 2022, we issued a [second report card](#) in response to the growing number of states that adopted voucher programs following the pandemic.<sup>1</sup> Both report cards rewarded states for rejecting market-based, privately governed alternatives to public schools and penalized states for charter and voucher laws that lack protections for students and taxpayers.

Much has occurred since our last report. During 2023, conservative majorities passed additional laws that allowed taxpayer money to flow to private and religious schools. Seven states [began new voucher programs](#) in 2023; others expanded existing programs to include the wealthy.<sup>2</sup> At the same time, the number of charter schools run by for-profit corporations continued to increase along with the expansion of right-wing charter schools. In a [rare moment of candor](#), Nina Rees, the outgoing President and CEO of the National Alliance for Public Charter Schools, said that her organization's "personal goal" is to make all public schools "like charter schools."<sup>3</sup>

Homeschooling, once an alternative model of schooling used primarily by fundamentalist Christian families, is now an industry that includes substantial financial subsidies by taxpayers. And all of this is happening at a time when the attacks on public education by the extreme libertarian right have intensified.

Make no mistake. All of the above are connected by design. The spread of the so-called "school choice movement" is linked with a well-orchestrated campaign to turn the public against its schools. During [a talk at the ultra-right Hillsdale College](#), the home of the Barney Charter School Initiative, Christopher Rufo explained how to leverage the culture wars to achieve the destruction of public governance of schools.<sup>4</sup>

He told the audience, "To get to universal school choice, you really need to operate from a premise of universal public school distrust." He continued by advising the audience to create a narrative around public education that is "ruthless and brutal."

“The school choice movement has always been no more than a façade for a radical right-wing movement to turn public education into a privately run marketplace with schooling financed by families.”

This emboldened school choice movement that emerged following COVID-19 has made it clear that the "choice" movement aims to destroy democratically governed district public schools. Using the term "government schools," coined by economist Milton Friedman, they follow the roadmap Friedman drafted in the 1950s. The final destination, outlined in a 2002 [conversation](#) with Friedman, is a system of for-profit and nonprofit education delivery systems driven by the market and paid for by parents, not taxpayers.<sup>5</sup> In short, the ultimate goal of libertarians and the radical right is the "back to the future" dream of American schooling before Horace Mann.

# INTRODUCTION

This year's report card moves beyond rating states only on charter and voucher policies. It connects the dots between the growing number of "ruthless and brutal" policies designed to disparage, underfund, and ultimately destroy public schools and the privatization goals of the far-right.

We, therefore, rate states on additional categories described below and explore how these policies are associated with the spread of privatized alternatives to public schools in the state.



We rate states on laws that protect children whose families homeschool. As the homeschool movement grows and becomes commercialized and publicly funded, it is time such laws receive public scrutiny.

Recognizing that part of the anti-public school strategy is to defund public schools, we also rate states on how responsibly they finance their public schools through adequate and equitable funding and by providing living wage salaries for teachers.

Finally, we include a new expansive category, Freedom to Teach and Learn, rewarding states that reject book bans, unqualified teachers, intolerance of LGBTQ students, corporal punishment, and other factors that impinge on the rights of teachers and students.

We still reserve the majority of points to measure how far privatization has been taken in each state via charter schools and vouchers. We measure the extent and quality of those laws — whether they promote or discourage equity, responsibility, transparency, and accountability.

School Choice has always been no more than a façade for a radical right-wing movement to turn public education into a privately run marketplace with schooling financed by families, with a substandard public alternative reserved for those whom Friedman called "the indigent."



# METHODOLOGY

## OUR STATE-BY-STATE RATING METHODOLOGY

We begin where our 2022 report left off, updating measures of privatization based on 2023 state legislation regarding vouchers and charters. As described above, this report also includes three additional categories, rating state efforts to support strong, vibrant public schools that allow students to thrive.

Our first category, Privatization, includes ratings for both charters and vouchers. For this category, we again grade the states based on their willingness to commit to democratically governed public schools open to all, as well as their willingness to put sufficient guardrails and limits on publicly funded alternatives to ensure that taxpayers, students, and families are protected from discrimination, corruption, and fraud.

The second category, Homeschooling, examines whether states enforce their compulsory schooling requirements and to what extent they ensure that homeschooling instruction is provided safely and responsibly.

The third category is Financial Support for Public Schools. We rate states based on their willingness to adequately fund schools fairly and equitably, including whether they provide teachers with a living wage.

Our fourth and final category, Freedom to Teach and Learn, examines whether state laws allow all students to feel safe and thrive at school and for teachers to provide honest instruction to children free of political intrusion.

## ALLOCATION OF POINTS AND OVERALL RESULTS

Each state began with 111 possible points, divided among the four categories listed below. Points were deducted based on component rating criteria for each category. We also converted overall scores to letter grades. Detailed information regarding the individual areas of assessment, sources used, and assigned points can be found in the Appendix following this report.

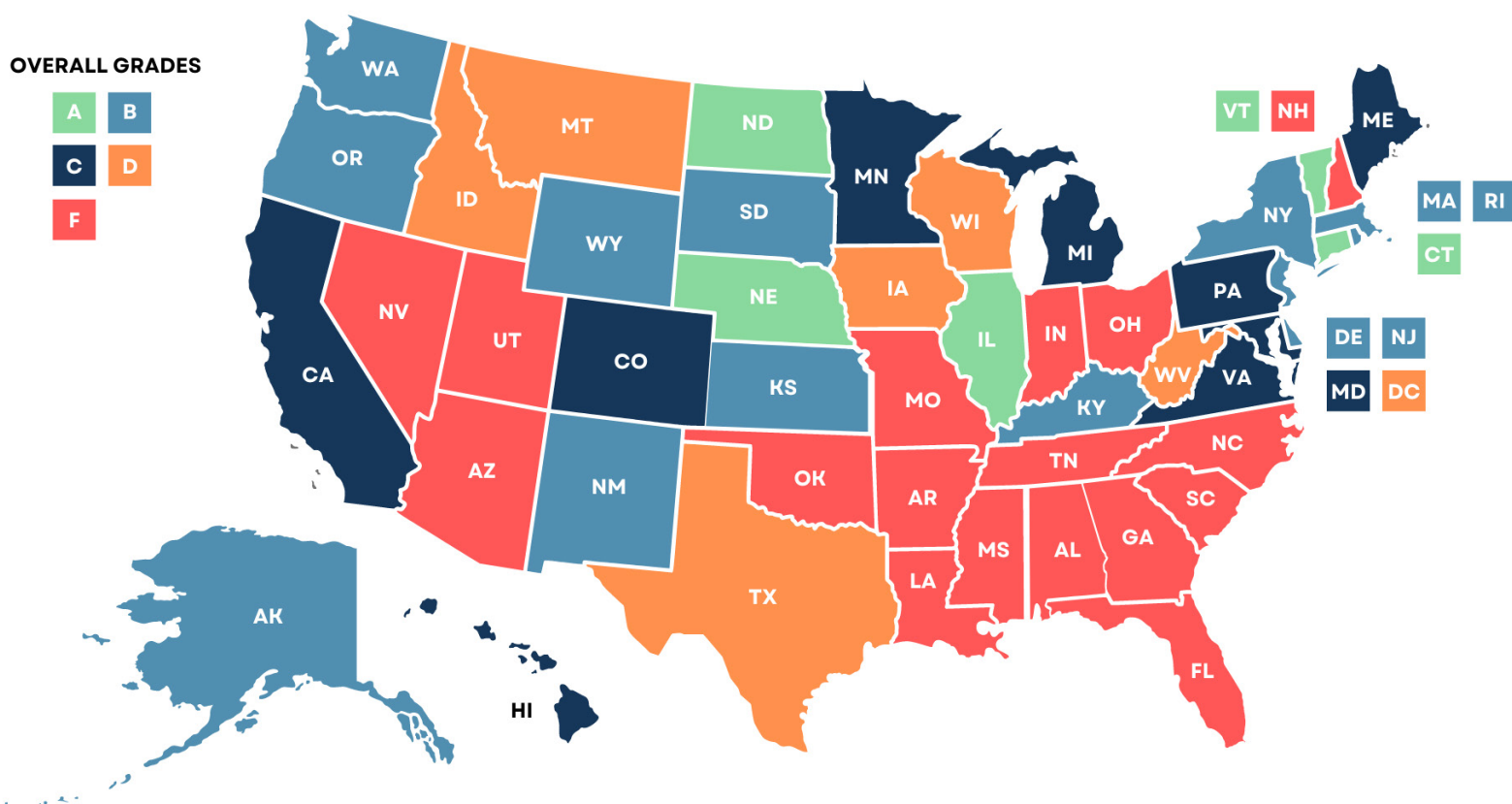
- 1. Privatization: Voucher and Charter Expansion and Protections (66 points)**
- 2. Homeschooling (7 points)**
- 3. Financial Support for Public Schools (14 points)**
- 4. Freedom to Teach and Learn (24 points)**

# RESULTS

No state achieved a perfect score. States with scores ranging from 86 to 98 were awarded an A. States that received an A were (highest to lowest): North Dakota, Connecticut, Vermont, Illinois, and Nebraska. We awarded a grade of B to thirteen states with scores that ranged between 78 and 85. An additional nine states with scores between 67 and 77 earned a grade of C. Seven states earned a D grade with scores ranging from 55 to 66.

Grades of F were assigned to seventeen states with scores that did not achieve even half of all possible points, ranging from 19 to 54. Florida ranked last with 19 points, with Arizona a close second (23.5 points). These two states consistently scored at the bottom or close to the bottom of every category.

The states that earned an F for their lack of support of public schools, students, and educators while embracing privatization were (lowest to highest) Florida, Arizona, Utah, North Carolina, Arkansas, Oklahoma, Nevada, Louisiana, Georgia, Ohio, Alabama, Missouri, South Carolina, Tennessee, Indiana, New Hampshire, and Mississippi.



The following table lists the states and the District of Columbia by overall score. It also provides their score for Privatization as well as the total combined points (Other) earned for Homeschooling, Financial Support, and Freedom to Teach and Learn.

States	Overall Score	Privatization	Other
		Voucher, charter expansion & legislation	Homeschooling, financial support and freedom to teach & learn
North Dakota	98	66	32
Connecticut	93	59	34
Vermont	90.5	54.5	36
Illinois	89	52	37
Nebraska	87	54	33
New York	85	47	38
New Jersey	84	52	32
Massachusetts	84	55	29
Kentucky	84	66	18
Alaska	83	54	29
Kansas	82.5	53.5	29
Wyoming	82	52	30
New Mexico	82	52	30
Washington	81	53	28
Oregon	81	48	33
Rhode Island	80.5	45.5	35
South Dakota	79.5	56.5	23
Delaware	78	49	29
Pennsylvania	76	35	41
Maryland	76	47	29
Maine	71.5	42.5	29
Minnesota	71	40	31
Hawaii	71	44	27
Virginia	70.5	50.5	20
Michigan	70	38	32
Colorado	70	44	26
California	70	41	29
District of Columbia	66.5	35.5	31
Montana	65	40	25
Iowa	62	36	26
Idaho	62	44	18
Wisconsin	60.5	28.5	32
West Virginia	58.5	27.5	31
Texas	58	44	14
Mississippi	54.5	40.5	14
New Hampshire	53.5	29.5	24
Indiana	52	27	25
Tennessee	50.5	35.5	15
South Carolina	50.5	27.5	23
Missouri	50.5	32.5	18
Alabama	50.5	37.5	13
Ohio	50	14	36
Georgia	49	26	23
Louisiana	46	29	17
Nevada	45.5	22.5	23
Oklahoma	39.5	22.5	17
Arkansas	37.5	21.5	16
North Carolina	32	20	12
Utah	29.5	14.5	15
Arizona	22.5	9.5	13
Florida	19	12	7

# PRIVATIZATION

## PRIVATIZATION: VOUCHER AND CHARTER EXPANSION AND PROTECTIONS

### Vouchers

The school voucher movement has its roots in racism. It began in the last century with publicly funded vouchers that were [designed to allow white children to escape integration](#) in the years following the U.S. Supreme Court's decision in *Brown v. Board of Education*.<sup>6</sup> The voucher movement was also nurtured and amplified by libertarians who have long believed that the marketplace should be free to discriminate. This was confirmed in a [2002 conversation](#) between Pearl Kane of Teachers College and Milton Friedman, the father of the school voucher movement.<sup>7</sup> According to Friedman, "Now, there may be some people who want to send their children to a racially segregated school, but in the main, most customers will be looking for other qualities." He and his contemporary acolytes are fine with government subsidies for segregated schools, including ones that implicitly or explicitly discriminate, believing that consumer preferences trump civil rights.

Study after study has shown that [school choice generally results in increased segregation](#).<sup>8</sup> In the case of vouchers, it also results in outright discrimination.

[A recent study by Education Voters of PA](#) found that 100 percent of the randomly chosen voucher schools they examined engaged in some form of discrimination — based on LGBTQ status, disability, academic ability, religion, and even pregnancy.<sup>9</sup> According to their report, Dayspring Christian Academy makes it clear in its application that even supporting the rights of LGBTQ students is a reason to be denied enrollment and to be expelled.

Thirty states and the District of Columbia now have one or more voucher programs. We identified 73 programs, from traditional voucher programs to tax credit programs for scholarships, to private schools or individual credit programs that support nonpublic school students only. Most states with vouchers have multiple programs, including some that allow families to double-dip, applying for funding from multiple programs.

“DAYSPRING CHRISTIAN ACADEMY [Lancaster, Pennsylvania] retains the right to refuse enrollment to or to expel any student who engages in sexual immorality, including any student who professes to be homosexual/bisexual/transgender or is a practicing homosexual/bisexual/transgender, as well as any student who condones, supports, or otherwise promotes such practices.”

- (Leviticus 20:13, Romans 1:27)

**Traditional vouchers** are grants of public funds to support tuition at private elementary or secondary schools. As of January 1, 2024, there were 21 traditional voucher programs across

12 states and the District of Columbia. Ohio alone has five programs. In the states with traditional voucher programs, vouchers may be used in either religious or non-sectarian schools.

Three states (New Hampshire, Maine, and Vermont) have programs similar to conventional vouchers, called town tuition programs. These allow families who do not have a public school in their town to receive a per-pupil allotment to pay tuition at either a neighboring public school or a private school. Although the laws in Maine and Vermont prohibited taxpayer dollars from being used at religious schools, the U.S. Supreme Court made such restrictions illegal in 2022 in [Carson v. Makin](#).<sup>10</sup>

For purposes of this report, we included town tuition programs in the traditional voucher category for a total of 24 programs across 15 states and D.C.

Most state constitutions have clauses that disallow taxpayer funding of religious schools. To try to evade these restrictions, state legislatures have devised programs that give money to individual parents, donors, or corporations rather than directly to schools. These voucher programs include Education Savings Accounts (ESA) and Tuition Tax-Credit Scholarship Programs. A few of the new programs use tax credits to fund ESAs. Others give tax deductions or credits directly to parents.

**Education Savings (or Scholarship) Accounts (ESAs)**, also called Education Freedom Accounts, are the most damaging and irresponsible of all voucher programs. They have become the favored program of the libertarian far-right, whose ultimate goal is for tax dollars to follow the child, with the burden of educating children eventually placed on the parents. These programs allow tax dollars (typically 90 percent of what the public school would have spent) to be used toward educational expenses, including tuition and fees at private elementary and secondary schools.



Some ESA programs also allow parents to use the funds for online programs, support and therapy services, homeschooling, and college courses. Typically, accounts are established in the student's name, and funds are deposited, often on a debit card, for use by the family on approved educational expenses. ESA programs are minimally regulated, with no built-in structures to measure their impact on academic progress. Without significant oversight, they are ripe for fraud and abuse.

The press has documented numerous cases of [wasteful spending](#), including purchasing LEGO sets, ski trips, and Ninja training with money obtained from ESA vouchers in Arizona, where ESA vouchers began.<sup>11</sup> [According to Save Our Schools Arizona](#), a grassroots public education advocacy group, the cost of ESA vouchers in 2024 will approach one billion dollars.<sup>12</sup> [Florida's](#)

[new program](#), estimated to cost \$4 billion, gives families tax dollars for field trips to amusement parks and big-screen televisions.<sup>13</sup>

**Tuition Tax-Credit Scholarship Programs (TTCs)** grant credits to businesses and individual taxpayers against state income taxes for contributions to nonprofit School Tuition Organizations (STOs). STOs then award tuition grants to families for private schools or, in two cases, for ESAs. The size of the tax credit varies from state to state, with some states awarding a 100 percent dollar-for-dollar credit.

Sometimes, the person who donates can also recommend who receives the scholarship. As of January 1, 2024, 24 states have TTCs. Because some have multiple programs, there are 26 programs overall.

In addition to TTC programs, some states have individual tax credits for families for educational expenses at public or private schools. We included programs that subsidize costs for private schools and/or homeschooling only. Eight states have such programs. Although this may appear to be a reasonable alternative, some of these programs provide a heavy subsidy. For example, Wisconsin's program gives a credit of up to \$4,000 per elementary student and \$10,000 per high school student attending a private school.

Because there is no income limit, high-income families with higher tax payments are favored in this system. Oklahoma's new program gives a credit of \$5,000 to \$7,500 to private school families, with a \$1,000 credit for homeschoolers.

At the end of this report, the Appendix explains how points were deducted from states with voucher programs.

### **Significant Findings: Vouchers**

- Twelve states publicly fund homeschooling through ESAs, tax deductions, or credits with few checks on instructional quality or student progress monitoring.
- Three states, Arizona, Florida, and Utah, have 100 percent eligibility for ESA vouchers — a giveaway that will, in all probability, result in the defunding of public schools, significant tax increases, or insolvency. Other state programs are expanding.
- Voucher students with disabilities lose most of their rights under IDEA when they agree to take a voucher to attend a private school. Private schools are not covered by IDEA.
- Only the District of Columbia requires all students in their voucher program to take the same state tests as their public and charter school counterparts.
- Twenty-six voucher states (84 percent) do not require teachers in private schools that take vouchers to be certified.
- Only the District of Columbia forbids voucher schools from discriminating in entrance

requirements based on religion. Maine, Maryland, and Vermont are the only states that expressly prohibit discrimination in voucher schools based on student LGBTQ status.

- Half of all states with one or more voucher programs do not require background checks for teachers in private schools or homeschools.
- Seventeen voucher states (55 percent) have at least one program that pays 60 percent or more of what would have been spent to educate the child in a public school.
- The [Florida Policy Institute](#) and the Education Law Center estimated that in the first year of implementation, Florida’s new ESA voucher program will cost 4 billion dollars.<sup>14</sup> That is because that program, like many of the new ESA programs, gives vouchers to families who already are in private schools, as well as homeschoolers — a gift of taxpayer funds.

## Do voucher programs save children from “failing schools” while saving taxpayers money?

Vouchers proponents claim that vouchers decrease the tax burden because voucher payments are often less than what it would cost to educate a child in a public school. However, this can only occur if there is a substantial proportion of students leaving public schools to attend private schools with a voucher. If vouchers were fulfilling their mission, we would expect to see the proportion of students who attend private schools rise. But this is not the case.

In 1999, 11.38% of all students attended private schools. In 2022, after the establishment of numerous voucher programs, the percentage was 9.97%.

States with large, longstanding voucher programs, show little to no increases in private school enrollment.

State	% Private Enrollments: 1999	% Private Enrollments: 2021
Arizona	6.45%	6.31%
District of Columbia	18.05%	18.83%
Florida	12.79%	14.66%
Louisiana	16.36%	14.47%
Ohio	13.27%	12.76%
Wisconsin	14.95%	15.48%

Source: NCES Digest of Education Statistics: <https://nces.ed.gov/programs/digest/>. Excludes homeschool students.

## Charter Schools

In his 2023 decision, Judge Phillip J. Shepherd of Kentucky's Franklin County Circuit Court struck down the state's charter school funding law. The judge clearly outlined why charter schools were not public schools according to the constitution of the Kentucky Commonwealth.

In rendering [his decision](#),<sup>15</sup> the judge called charter schools a "separate and unequal system of education."<sup>16</sup> He based his decision on the following features: their exemption from traditional oversight and regulation; enrollment caps, thus shutting out some children; for-profit management of the schools, thus providing no "guardrails that ensure these tax dollars are used for a public purpose;" and governance by a board not elected by the public.

Charter schools, he said, "would be allowed to limit enrollment, resulting in rejection of children who through no fault of their own lack the resources, parental involvement, language skills, or other means to succeed in school or the charter school admissions process."

Such features are not limited to Kentucky. Every charter school state, with the exceptions of Virginia and Kansas, allows charters to be governed by private, unelected boards that serve

### From Judge Shepherd's Decision:

A primary characteristic of the common schools is that they must "*take all comers,*" and educate each child regardless of poverty, language barriers, disability, health or addiction problems at home, or any other obstacle to learning.

### Definition of a Common School (Public School) in Kentucky

"Common school" means an elementary or secondary school of the state supported in whole or in part by public taxation.

No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a certified teacher for a minimum school term as defined by KRS 158.070 and every child residing in the district who satisfies the age requirements of this section has had the privilege of attending it.





without term limits or accountability to the school community. And while all but Arizona require the charter holder to be a nonprofit, the majority of states allow a for-profit parent organization to run the charter.

For a comprehensive understanding of the for-profit charter sector, we recommend our 2021 report, [Chartered For Profit: The Hidden World of Schools Operated For Financial Gain](#),<sup>16</sup> and our 2023 report, [Chartered for Profit II: Pandemic Profiteering](#).<sup>17</sup>

Judge Shepherd was correct in pointing out that charter schools are not open to all, even beyond their enrollment caps. In 2002, Wagma Mommandi and Kevin Welner of the National Education Policy Center and the University of Colorado co-authored [School's Choice: How Charter Schools Control Access and Shape Enrollment](#).<sup>18</sup> The authors identified practices that shape student bodies with children who are easier to teach and families who are more involved.

Most charter schools are brick-and-mortar schools. However, there is a growing sector of online charter schools, primarily run for profit. These include full-time virtual charters, blended

## THE COMPANY CHARTER SCHOOL

In the summer of 2001, [Jeb Bush cheerfully took the mic](#) at the dedication of The Villages Charter Middle School, located in one of the largest retirement communities in America. The Morse family developed the Villages and controls it with a “[spaghetti bowl of LLCs](#)” that own the local newspaper, radio station, and magazine.

Located across three Florida counties, the average age of its [130,000-plus residents](#) is 73.

Why would a community where no one under the age of 19 is allowed to reside need a school? The charter school, which has multiple campuses, is not for the community. It is only for the employees' children.

Florida amended its charter law in 1998 to create “charters in the workplace.” In exchange for building a charter school, a company, in this case, the privately owned retirement community, can give its employees, and the employees of companies that are designated business partners with The Villages, exclusive access to the charter school.

The Villages of Lake-Sumter, Inc., a for-profit corporation whose president is developer Mark Morse, [collected \\$1,861,726 in rent](#) from the charter elementary schools in 2023.

But it is not about the rent for the Morse family. It is about keeping employees on a tight leash. The charter school is the modern-day company store — if you stop working for The Villages, or if your company decides to no longer do business with The Villages, the child is immediately dismissed. You can read the policy [here](#). And employment status is checked once a month.



schools (part in-person, part online), and home schools sponsored by a charter school. [This new homeschool charter model](#) provides curriculum to families as well as cash to create a fully funded homeschool program, even in states where there are no ESA vouchers.<sup>19</sup>

Online charters are not only [frequently in the news for fraud](#);<sup>20</sup> on average, they do a terrible job of educating students, which even many pro-charter advocates acknowledge.

Forty-six states and the District of Columbia have charter school laws, although Kentucky's charter law was recently declared unconstitutional, as explained above. The states without charter laws are Nebraska, North Dakota, South Dakota, and Vermont. Forty-four states are currently operating charter schools.

Ten states (including the District of Columbia) enroll 10 percent or more of their total public and charter students in charter schools. In the District of Columbia, enrollment is nearly split (48 percent) between public and charter schools. However, in eight states with charter laws, the proportion of students in charter schools is two percent or less.

Like voucher schools, charter schools abide by fewer regulations and less oversight than neighborhood public schools. As with voucher schools, this has resulted in significant concerns regarding accountability, accessibility, fiscal responsibility, and academic quality.

At the end of this report, the Appendix explains how points were deducted from states with charter schools.

## **Significant Findings: Charters**

- Although charters claim they are open to everyone via a lottery, 39 states give enrollment preferences to students beyond returning students, siblings, and disadvantaged students. Four states allow charter schools to shape enrollment using academic and talent screening. North Carolina offers [enrollment privileges](#) to tuition-paying foreign exchange students and the students of selected private preschools.<sup>21</sup> Florida gives exclusive enrollment privileges to the employees of businesses that service a retirement community whose developer started a charter school.
- Thirty-four states either do not require that charter school students be taught by certified and licensed teachers or allow so many exceptions that any existing regulations are meaningless. States with special charter school certifications were included in the 34.
- Thirty-seven states allow entirely virtual, online schools; thirty-two enable for-profit corporations to run them. This is despite significant evidence that the students in such schools make poor academic progress and have extremely [low graduation rates](#) that hover around 50 percent.<sup>22</sup>

- Thirty-five states allow for-profit corporations to manage nonprofit charter schools, including via “sweeps” contracts that allow tax dollars and control to be funneled to the for-profit that runs the day-to-day operation of the school. In six states (Arizona, Florida, Michigan, Nevada, Ohio, and West Virginia), for-profits manage over 30 percent of the charter schools in the state.
- Thirty-three states allow owners or employees of the management corporation (EMO or CMO) that operates the school to serve on the school’s nonprofit and supposedly independent board. Forty-two states allow potential conflicts of interest between the charter school and its service providers. In nineteen states, those related party transactions are not even required to be disclosed.
- Under the guise of “innovation,” the lack of public transparency is well-documented and appalling. Only one state, Ohio, makes the contracts between charter schools and their management companies accessible on the state education department website. That lack of transparency also extends to the management corporations that run virtually every aspect of the school.
- Fraud and mismanagement are often reasons that charter schools shut down. Whether cooking the books on attendance or outright theft, fraudulent practices [result in schools being shuttered](#), sometimes with little warning.<sup>23</sup> Since January 2019, we have been logging stories of charter scandals that appear in local and national media. Thirteen states have accrued at least 50 press stories describing charter school malfeasance and abrupt closures. Topping the list was the state of California, with 180 such reports. Pennsylvania was in second place (144), followed by Florida (124) and Louisiana (105).

## Charter Churn

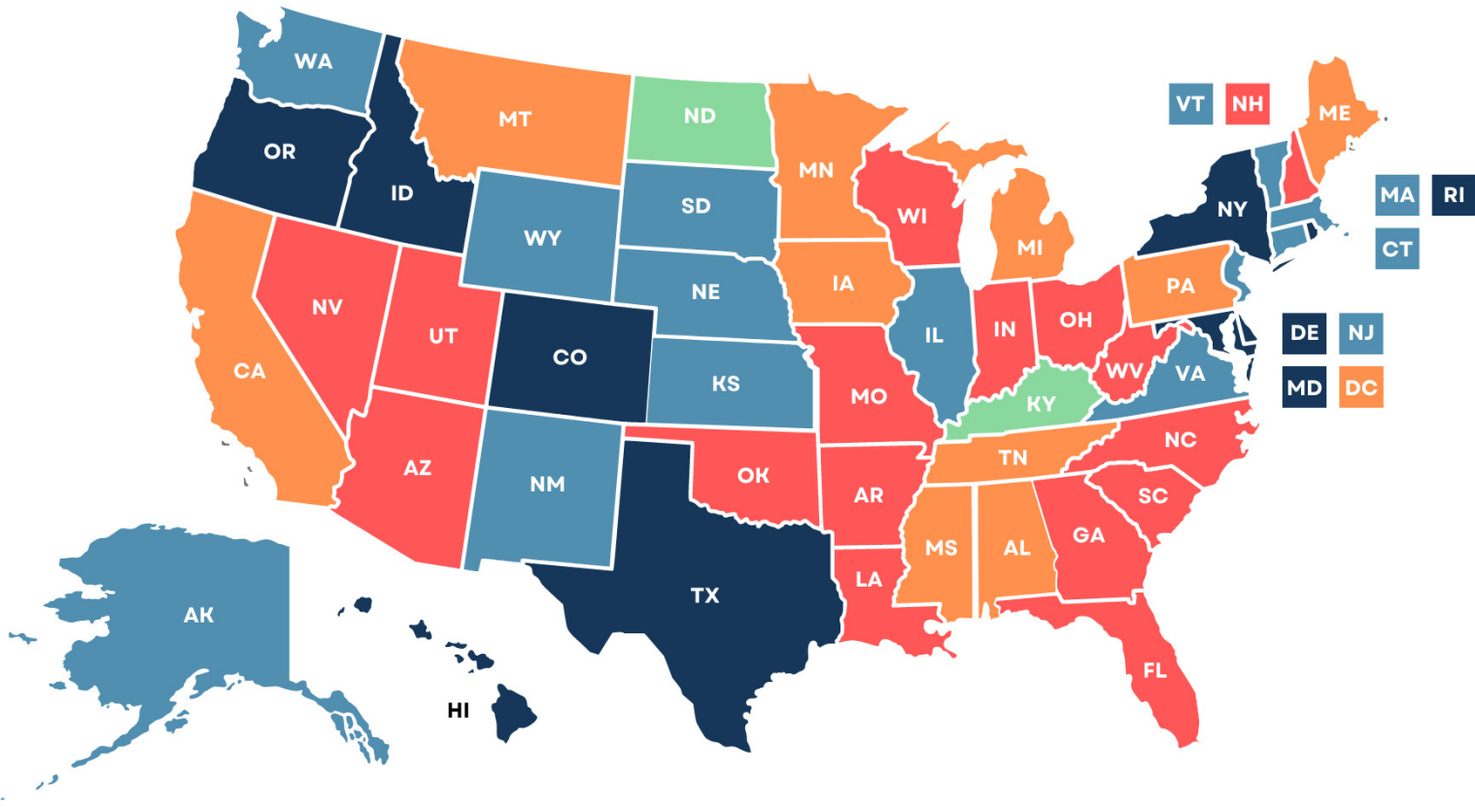
The opening and closing of charter schools places a burden on taxpayers while disrupting the lives of families and children. The NCES database of schools for 2022-23 lists 240 “new” schools, 30 of which had 25 or fewer students. Meanwhile, the number of financially stressed charter schools is “[at a record high](#).”

Comparing the 2021 database to the 2022 database, we identified 139 charter schools that closed, became public schools, or were inactive without students. Taxpayer funds, including state and federal start-up grants, are wasted on these ill-fated “experiments.”

Source: [NCES data files: https://nces.ed.gov/ccd/files.asp](https://nces.ed.gov/ccd/files.asp)

# PRIVATIZATION GRADES

Voucher, charter expansion & legislation



Alabama	D	Kentucky	A	North Dakota	A
Alaska	B	Louisiana	F	Ohio	F
Arizona	F	Maine	D	Oklahoma	F
Arkansas	F	Maryland	C	Oregon	C
California	D	Massachusetts	B	Pennsylvania	D
Colorado	C	Michigan	D	Rhode Island	C
Connecticut	B	Minnesota	D	South Carolina	F
Delaware	C	Mississippi	D	South Dakota	B
District of Columbia	D	Missouri	F	Tennessee	D
Florida	F	Montana	D	Texas	C
Georgia	F	Nebraska	B	Utah	F
Hawaii	C	Nevada	F	Vermont	B
Idaho	C	New Hampshire	F	Virginia	B
Illinois	B	New Jersey	B	Washington	B
Indiana	F	New Mexico	B	West Virginia	F
Iowa	D	New York	C	Wisconsin	F
Kansas	B	North Carolina	F	Wyoming	B

# HOMESCHOOLING: PROTECTIONS FOR CHILDREN

## HOMESCHOOLING

Homeschooling, once predominantly found in rural areas among religious fundamentalist families, is now the fastest-growing education sector. Formerly considered in conflict with states' compulsory education laws, a series of court cases with implications for homeschooling left the practice unchallenged as it grows.

In 1972, [Wisconsin v Yoder](#) upheld an Amish family's right to withdraw their children from formal education at the end of Grade 8 based on religious beliefs.<sup>24</sup> The right to privacy and free speech [have also been used in cases](#) to support the right to homeschool despite state mandates for compulsory education.<sup>25</sup>

A sharp increase in the number of families homeschooling occurred during the COVID-19 pandemic. While it was expected that many families would return their children to school when the pandemic ended, the majority did not. In 2023, [The Washington Post](#) extensively analyzed states that require homeschool reporting to track its growth. Their analysis showed a 51 percent increase in homeschooling between the 2017-2018 school year and the 2022-23 school year. There was a slight drop-off after a high point during 2020-21, but numbers are still far greater than they were pre-pandemic.

“Most schools have teachers, principals, guidance counselors – professionals trained to recognize the unexplained bruises or erratic behaviors that may point to an abusive parent. Home education was an easy way to avoid the scrutiny of such people. That was the case for Piper, whose children were learning less from her about math and history than they were about violence, cruelty, and neglect.”  
- [Peter Jamison, The Washington Post](#)<sup>26</sup>

One explanation for the lack of return to pre-pandemic levels may be that parents do not want to disrupt their children's lives again with a return to brick-and-mortar schooling. If that is the case, homeschool numbers will slowly drop. However, other factors at play may keep homeschooling at high levels.

A [technology-based industry](#) has emerged to support homeschooling, incentivized as thirteen states now subsidize homeschooling through vouchers or tax credits.<sup>28</sup> This new industry has a vested financial interest in homeschooling and is marketing its services to families. In addition, charter schools have popped up to support homeschoolers, providing resources, giving parents an “allowance,” and taking a heavy cut of public funding for themselves.

In California, charter schools for homeschoolers compete for parents by offering educational funds that parents [can self-direct](#) for anything from sailing lessons to field trips to Disneyland — all paid for by taxpayers.<sup>29</sup>

In Arizona, homeschooling families have used ESA vouchers for [state-approved recreational purposes](#), including the purchase of wide-screen televisions, trampolines, and expensive LEGO toy sets.<sup>30</sup> Although homeschooling via charter schools requires students to take the state test, in Arizona, no evidence of learning is required of families who take ESA funds. The ESA voucher is [worth about \\$500 MORE](#) per student than the local district public school would receive.<sup>31</sup>

Finally, the relentless campaign by the far-right to disparage and denigrate our nation's public schools and their teachers pushes some families to leave the public system based on unfounded fears.

Even as the growth in homeschooling has accelerated, laws to protect the homeschooled child have not. Through the relentless pressure exerted by the Homeschool Legal Defense Association (HLDA), co-founded by right-wing Evangelical Michael Harris, even the most modest legislation designed to protect homeschooled children from educational or physical neglect and abuse has been opposed with breathtaking ferocity.

In 2013, the [Coalition for Responsible Home Education](#) was formed to promote laws protecting children from abusive homeschooling.<sup>32</sup> Founded by adults who were themselves homeschooled, their advocacy work includes a database of stories of brutal neglect, including homeschooled children [murdered, sexually assaulted, imprisoned, and starved](#) — all of which rarely attract national attention.<sup>33</sup> Although some students who attend brick-and-mortar schools are also victims of child abuse, they are seen regularly by adults outside of the home — adults who are trained mandated reporters. Thus, while the frequency of abuse may be similar, mistreatment in the homeschool environment can quickly escalate undetected, resulting in [more severe consequences for children](#).<sup>34</sup>



“In almost a dozen states without enrollment mandates, any abusive caregiver can easily disappear their victims. When homeschooled children are not protected, it becomes difficult to offer meaningful protection to all children when the law is so easily exploited by bad-faith actors. Calista Springer, from Michigan, was chained to her bed when the house caught on fire. She could not escape on her own, and no one, besides those later convicted of torturing her, knew she was there. “

**Angela Grimberg, Executive Director,  
Coalition for Responsible Home  
Education**

Yet despite well-documented instances, the HDLA quickly mobilizes its members and fights any attempts at laws to protect homeschooled children or lessen the possibility of educational neglect. After horrendous incidents of the abuse of children, some of which resulted in death, California, Michigan, and Wisconsin [attempted to pass reasonable legislation](#). In each case, the bills were shut down when opposition organized.<sup>35</sup>

The homeschool environment is the most unsupervised sector of schooling, thus making taxpayer subsidies the most indefensible.

At the end of this report, the Appendix explains how points were deducted for lax homeschooling laws.

### **Significant Findings: Homeschooling**

- Eleven states do not require parents to report that they are homeschooling their children. Fourteen states only require a one-time notice, with no annual follow-up.
- Only two states, Arkansas and Pennsylvania, have laws to protect homeschooling students from the perpetrators of violent crimes (Pennsylvania) and from registered sex offenders (Arkansas). No other states conduct background checks on homeschool providers. No state, including the above, has monitoring provisions for families who have open abuse or neglect cases and decide to homeschool. Nor is there monitoring of homeschool families with a history of interactions with social services.
- In most states, how homeschooled students are progressing academically is unknown. Only nine states require a standardized test or a portfolio of work. An additional handful require the parent to assess without an obligation to share results with the local school district. Most states do not require any verification of student learning, allowing the parent to issue a diploma.
- Six states — Alaska, Arkansas, Delaware, Mississippi, Utah, and Virginia — do not have mandated instructional subjects, time requirements, or any requirements regarding the assessment of learning.
- Only eleven states require that parents have even a minimal education requirement to homeschool — a GED.
- Only one state, Pennsylvania, did not lose any points on the five factors we considered: notification of homeschooling, minimal parental education requirements, mandated assessments, mandated curriculum, and a criminal background check. Four states, Alaska, Indiana, Iowa, and Oklahoma, lost every possible point. While having no regulations around homeschooling, Oklahoma allows parents to deduct \$1,000 from their tax bill for homeschooling expenses.

# FINANCIAL SUPPORT FOR PUBLIC SCHOOLS

## PUBLIC SCHOOL FINANCING

When it comes to providing quality education to students, funding matters. The positive correlation between student measures of learning and per-pupil spending has been firmly [established by research](#).<sup>36</sup>

To find the best comparative funding measures, we turned to the Education Law Center (ELC), a nonprofit organization that, [for the past fifty years](#), has “worked to promote fair and equitable school funding, racial justice, and effective school reform.” ELC issues an annual report, [Making the Grade](#), that analyzes, compares, and reports public school funding in the fifty states and the District of Columbia.<sup>37</sup>

They do so by using three measures of funding fairness:

- 1. Funding Level** – cost-adjusted, per-pupil revenue from both state and local sources.
- 2. Funding Distribution** – a measurement of the gaps in how funding is distributed to schools that serve high proportions of socio-economically disadvantaged students.
- 3. Funding Effort** – the effort states make to support PK-12 public education based on the state’s wealth as measured by its gross domestic product (GDP).

For the category Financial Support for Public Education, we included all three of the above measures based on ELC’s 2023 report that used data from the latest available school year: 2020- 2021.

We also included one additional measure:

- 4. Average Teacher Salaries** – The average 2022-23 teacher salary for each state, which we adjusted based on the state’s cost of living.



“Full and equitable funding of public schools is critical to provide our nation’s students with the instruction, opportunities, and support they need to succeed academically and in life.”

**Robert Kim, Executive Director,  
Education Law Center**



## Significant Findings: Financial Support

- Florida lost every possible point in this category. It was in the bottom group in all three ELC categories and the lowest state group for teacher salaries adjusted for cost of living. Unsurprisingly, it was also among the states with the highest percentage of under-qualified teachers, a rating to be discussed in the next section, Freedom to Teach and Learn.
- Arizona, Idaho, and Nevada earned only one of fourteen possible points, providing dismal and inequitable support for their public schools.
- The states that did the best job of financing public education, including narrowing funding gaps between low-poverty and high-poverty districts, are New York, New Jersey, and Wyoming. New York earned all fourteen points, and New Jersey and Wyoming earned 13.
- Regarding adequate teacher salaries, the District of Columbia, Maine, New Hampshire, and Vermont do an especially poor job. Despite having some of the nation's highest per-pupil spending, their teacher salaries are in the bottom grouping when adjusted for cost of living.
- Other states in the bottom ten for adjusted teacher salaries are Hawaii, with the lowest average salary adjusted for cost of living (\$36,915), Florida, Montana, Arizona, South Dakota, and Idaho. Florida, Arizona, South Dakota, and Idaho also land at the bottom for not adequately funding their schools based on their ability to pay.



# FREEDOM TO TEACH AND LEARN

## FREEDOM TO TEACH AND LEARN

“To get to universal school choice, you really need to operate from a premise of universal public school distrust.” As we mentioned earlier in this report, Christopher Rufo, known for his radical right-wing advocacy, gave this advice to a Hillsdale College audience eager to expand any and all taxpayer-funded alternatives to neighborhood public schools.

From the passage of anti-CRT bills and book bans to dubbing public schools “government schools” and “union schools,” the right-wing forces bent on destroying public education are engaged in a well-coordinated campaign to destroy neighborhood public schools by undermining the public’s trust while creating hostile environments for the teachers and the students who attend them. This year, therefore, we included new categories to indicate state responses to the “culture war” issues surrounding public schools.

Below is a description of the factors we examined in awarding each state a score.

### Laws to Protect LGBTQ Youth

Every state has laws to prohibit bullying in schools. However, some states do not explicitly include LGBTQ students, even though the [National Institute of Health has reported](#) that lesbian, gay, and bisexual students report both cyberbullying and physical bullying on school grounds at twice the rate of their straight peers.<sup>38</sup>

Likewise, we understand the importance of ensuring that all students, especially traditionally marginalized students, feel safe and included at school. In addition to rating states on their bullying laws, we also included a rating based on whether their curriculum standards require or prohibit representation of LGBTQ communities, whether state laws prohibit discrimination, and whether states have prohibited bathroom access for students based on gender identity.

### Bans on Corporal Punishment

Corporal punishment, when used to discipline a student, uses pain or physical discomfort to stop unwanted



A National School Climate Survey in 2019 found that students taught using materials that were inclusive of their experiences reported that their classmates were more accepting of LGBTQ people than those who were not.

They were also less likely to hear homophobic or negative remarks about gender expression. Not surprisingly, LGBTQ students were more likely to perform better academically in school if the curriculum included them.<sup>39</sup>

ed behaviors. This may involve paddling, shaking, hitting, or restricting a child in a position for some time to inflict discomfort. Children with disabilities are more likely to receive corporal punishment. Black boys are twice as likely, and Black girls are three times as likely than their white peers to be physically disciplined at school, according to [The American Academy of Pediatrics](#), which has called for a ban on the use of corporal punishment in schools.<sup>40</sup>

Nevertheless, despite the research on its harms and ineffectiveness in changing student behavior, 15 states allow corporal punishment, and an additional seven are silent and do not ban it. In those states where it is banned, only three extend the provision to private schools. We granted full points on this measure to those states that explicitly banned the practice. The Appendix explains how points were deducted from other states, depending on whether they explicitly or implicitly allowed the practice.

### **Censorship of Curriculum and Book Bans**

In an attempt to present public schools as bastions of liberal propaganda, the right has created controversy and whipped up fear as a prelude to pushing reactionary legislation under the guise of parent rights. Some accusations against public schools, such as the presence of [litter boxes in school](#) bathrooms for children who identify as “furries,” were quickly identified as hoaxes.<sup>41</sup>

Others, including the accusation that public schools were teaching critical race theory and engaging in the public shaming of children based on race, gained more traction. Using vague terminology, like “divisive concepts,” some states passed laws that have a chilling effect on the teaching of American history, thus depriving students of the opportunity to thoroughly understand the history of the United States, both the good and the bad. In states with such laws,



“If we fail to teach black history as it happened and not as we wish it had happened, we run the risk of repeating its worst moments.

Teaching our past is not an option. It is a must.”

**Dr. Marvin Dunn, Founder and President, Miami Center for Racial Justice**

teachers fearfully avoid subjects and conversations that may be perceived as controversial, thus preventing students from fully engaging in robust discussions that allow them to express their points of view.

As rightwing activists campaign against books they judge as inappropriate for young people, disturbingly, state legislatures are now joining the effort. These legislatures pass laws that either require that certain types of books be eliminated from schools or that so vaguely define offensive materials that districts and educators are pulling books off the shelves just to be safe. Florida has enacted criminal penalties for educators who fail to remove targeted books or who teach certain concepts.

PEN American has tracked book bans across the country.<sup>42</sup> Their research found that, although the largest group of targeted books had LGBTQ characters or plotlines, the range of materials stripped from school libraries and classrooms is enormous, including nonfiction works on Western Art, civil rights history, biographies, music, and more.

We rated states based on the passage of divisive concept laws, laws promoting book bans, and whether over 10 percent of public school students are now attending districts that are actively banning books.

We identified ten states that have passed laws effectively or explicitly banning certain books from school classrooms and libraries. In some states, the impact of these laws has been clear. For example, Florida's HB 1467 was passed in March of 2022. By the end of that year, 13 counties in Florida had at least temporarily pulled hundreds of books from school library shelves. These bans affected roughly 31 percent of Florida public school children. By the end of June 2023, an additional 15 Florida counties had joined the frenzy. Clay County's number of challenged books went from 63 to 402. Based on data compiled by NPE, over 56 percent of public school students in Florida attend school in districts that are pulling books from library shelves.

### **Collective Bargaining**

The right of teachers and other school employees to bargain collectively with district school boards is an essential part of ensuring that a well-paid, professional staff educates students. Teacher contracts are often about much more than wages and benefits. In recent years, unions have engaged in "bargaining for the common good," bringing community members and students into the process of developing demands and even sitting around the bargaining table.

Through this strategy, teacher unions have won significant improvements in their schools, including additional counselors and school health workers, limits on the use of police in schools, support for undocumented students, and commitments to fund Community Schools.

Bargained benefits such as pensions create a satisfied and stable teacher workforce. In short, collective bargaining rights are in the best interest of educators, as well as the students and communities they serve. We, therefore, rated each state on whether or not it allowed collective bargaining. For more detailed information on ratings, see the Appendix.

### Qualified Teachers

Our students deserve well-prepared, qualified teachers. Unfortunately, many factors, including low pay, falling prestige, stress, and safety concerns, have all contributed to fewer young people entering the profession. That means that classrooms are being led by increasing numbers of teachers who are not fully certified or who are teaching outside of their area of certification.

The percentage of college graduates choosing the teaching profession is at a half-century low, even as the number of new teachers has dropped by more than one-third. Job satisfaction is at its lowest in 50 years.<sup>43</sup> All of the above contributes to an increase in unprepared teachers in classrooms.

“Perceptions of teacher prestige have fallen between 20 percent and 47 percent in the last decade to be at or near the lowest levels recorded over the last half-century. Interest in the teaching profession among high school seniors and college freshmen has fallen 50 percent since the 1990s and 38 percent since 2010, reaching the lowest level in the last 50 years.<sup>43</sup>”

We therefore included a measure of the proportion of underqualified teachers in each state. The definition of underqualified, our source, and how we rated each state are explained in the Appendix.

### Significant Findings: Freedom to Teach and Learn

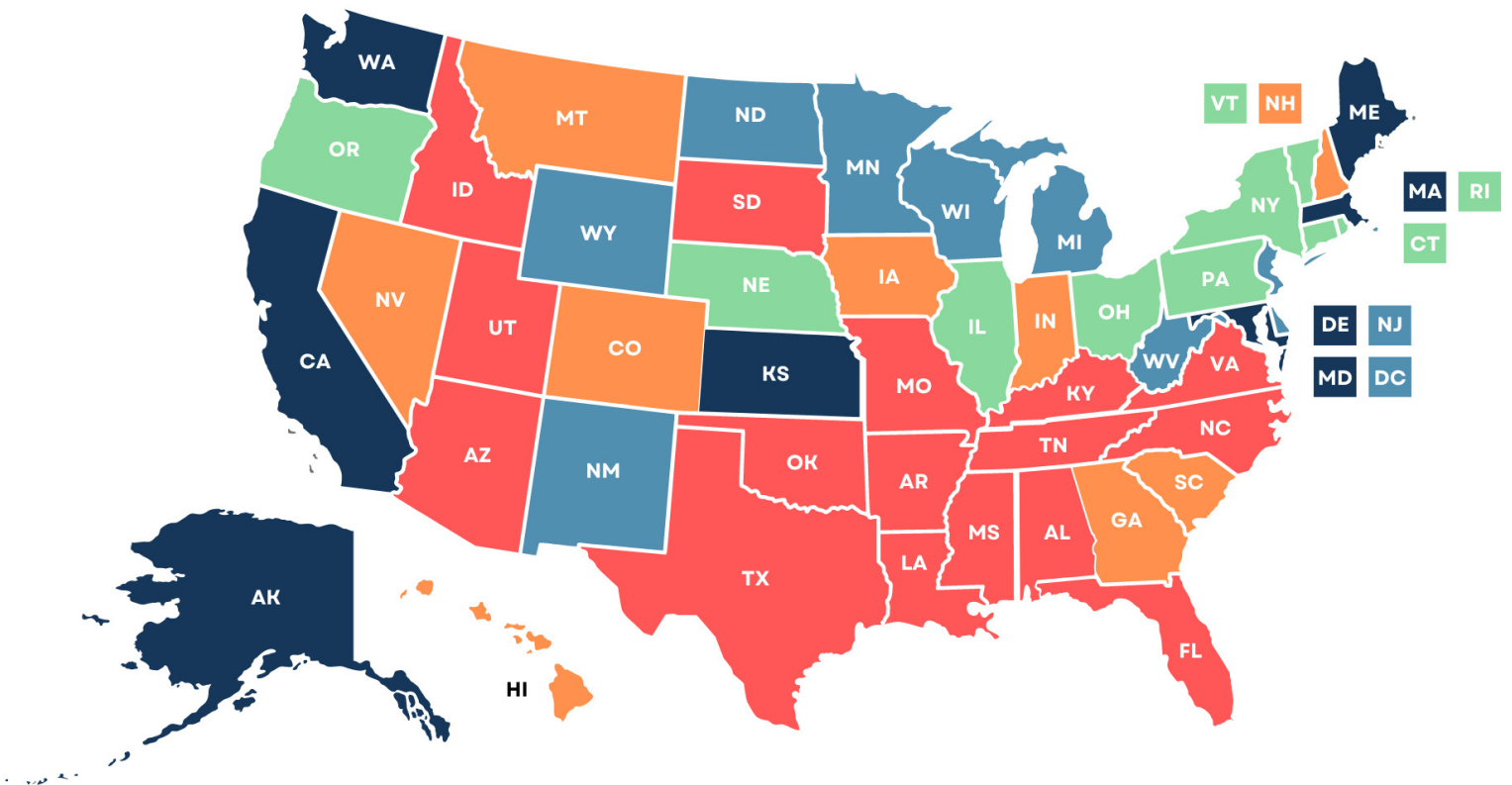
- Two states, Oregon and Illinois, do the best job of preserving teachers' and students' rights to teach and to learn on the measures we rated. Both received all points. Their anti-bullying laws were comprehensive. They had low rates of underqualified teachers. They made sure that LGBTQ student rights were protected. They rejected book bans and calls to allow the right wing to determine what can and cannot be taught in public schools. Teachers are allowed to bargain collectively, and corporal punishment is forbidden.
- Michigan and Pennsylvania also did a good job protecting the right to teach and learn, earning 22 out of 24 points.

- Florida, unsurprisingly, and North Carolina were at the bottom, losing 18 of 24 possible points. Alabama, Texas, Mississippi, and Arkansas were close behind.
- On those measures that directly impact students' physical and emotional safety (bullying, corporal punishment, and non-discrimination laws that include LGBTQ status and gender identity), seventeen states do the best job protecting students: California, D.C., Hawaii, Illinois, Iowa, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, and Washington.
- Missouri and South Dakota provide no protections for students on the above. Missouri's state law actively permits corporal punishment (South Dakota is silent). They are also the only states that prevent schools or districts from adding protections for LGBTQ students into their nondiscrimination policies.



# OTHER GRADES

Homeschooling, financial support and freedom to teach & learn



Alabama	F	Kentucky	F	North Dakota	B
Alaska	C	Louisiana	F	Ohio	A
Arizona	F	Maine	C	Oklahoma	F
Arkansas	F	Maryland	C	Oregon	A
California	C	Massachusetts	F	Pennsylvania	A
Colorado	D	Michigan	B	Rhode Island	A
Connecticut	A	Minnesota	B	South Carolina	D
Delaware	C	Mississippi	F	South Dakota	F
District of Columbia	B	Missouri	F	Tennessee	F
Florida	F	Montana	D	Texas	F
Georgia	D	Nebraska	A	Utah	F
Hawaii	D	Nevada	D	Vermont	A
Idaho	F	New Hampshire	D	Virginia	F
Illinois	A	New Jersey	B	Washington	C
Indiana	D	New Mexico	B	West Virginia	B
Iowa	D	New York	A	Wisconsin	B
Kansas	C	North Carolina	F	Wyoming	B

# CONCLUSION

From stories about hostile school board takeovers to accounts of book bans, the media now regularly reports on the “war on public schools.” Although such attention may be recent, that war began long ago. It began after the Supreme Court ordered the desegregation of public schools, giving rise to segregation academies. In the background of that decision, libertarian Milton Friedman was making the case for school vouchers and the end of “government schools,” accepting the possibility of segregation academies and even suggesting that K-12 schooling should be funded not by taxpayers but by parents.

In her 2022 article in *The New Republic*, [Brynn Tannehill notes](#) the battles along the way, from Reagan’s proposal to abolish the Department of Education to failed Pennsylvania gubernatorial candidate Doug Mastriano’s call to defund public schools through the abolishment of property taxes. Others provide additional historical perspectives.

The war on public education has always been a part of Christian nationalism. As that movement rises, so do the attacks on public schools. Randall Balmer of Dartmouth College argues in [his piece in \*Politico\*](#) that the origins of the political power of the Religious Right began not with *Roe v. Wade* but rather with *Green v. Kennedy*, which denied segregation academies tax-exempt status. According to Balmer, that decision gave religious conservative Paul Weyrich an opening to leverage Evangelical political power. Today, the Heritage Foundation, the organization he co-founded, is part of a billionaire-funded effort to destroy “government schools” under the banner of school choice.

As Christian nationalism and the extreme right have become mainstream in many states, the war on public schools is progressing, but that progress is uneven. This report identifies, state by state, how far that war has advanced and explores the relationship between the ultimate goal — the destruction of democratically governed public schools and other policies hostile to public schools and their students.

But hostility toward public schools is not the whole story. We also identify the states where the extreme right has made little progress. These states, which receive grades of A or B, are more interested in supporting their public schools and students than harming them.

As we examined the relationships between and among the categories we studied for this report, the following stood out.

- Seventy-one percent of states show a clear association between privatization laws and other measures (homeschooling, financing, and freedom to teach and learn). These states had either the same letter grade in both groupings or were only one letter grade apart (e.g., Connecticut “B” for privatization, “A” for other).
- The alignment between privatization and the three other measures was most apparent in states whose overall grade was an “F.” Of the 17 states that received this grade, 16 had either an “F” in both or a “D” and “F” combination.
- The political makeup of the state government has a profound effect on states that



# CONCLUSION

earned an “F.” All but two (Arizona and North Carolina) have [a Republican trifecta](#) — Republican control of the House, Senate, and Governorship. Although Arizona presently has a governor who is a Democrat, it recently emerged from a [14-year Republican trifecta](#) that defunded public schools while advantaging charter schools and vouchers. North Carolina, the other “F” state with a divided government, has a Democrat governor with a Republican supermajority that has overruled the governor’s veto when he has attempted to protect public schools.

- Political parties are not as impactful in “A” states — two have a Democrat trifecta, two have a Republican trifecta, and one (Vermont) has a divided government.
- Florida stands out for its terrible policies across the board. In every category, it was at the bottom or near the bottom, achieving only 17 percent of possible points. Years of hostile policies have taken their toll, with only about 72 percent of K-12 students attending public schools. Arizona is only marginally better.
- Connecticut has solid scores across the criteria, except for its homeschooling policies. By implementing reforms to protect homeschooled students, it could become the top-rated state.
- While successfully resisting privatization, North Dakota should increase its funding for public schools based on its ability to pay and bring teacher salaries up to par with the state’s cost of living.

There is still time to turn the tide and preserve our true public schools. This year, the Illinois legislature ended its voucher program. Chicago is curtailing charter growth. California has won significant charter law reforms that ban for-profits and give the community more voice in whether charter schools open. Two successful lawsuits in Kentucky stopped its voucher and charter program in their tracks. Whenever a voucher program is put on the ballot, it is defeated. But more needs to be done.

In many states with well-entrenched programs often pushed by neo-liberals during the era of Race to the Top, privatization can be restricted by enacting charter and voucher laws that safeguard taxpayers and students and stop expansion. When voucher schools cannot discriminate, and charters find it more difficult to profit and obscure finances, their founders and profiteers will lose interest. For a comprehensive list of what can be done to preserve our neighborhood public schools and implement significant reforms, visit our website [here](#).

It is undeniable that the war on public schooling is progressing as Christian nationalism and the extreme right have become mainstream in many states, but that progress, as this report shows, is uneven. There are states, some blue and some red, that keep their public schools and the children who attend them front and center in their policies and their laws. By adjusting their policies, increasing funding, and amending their laws, even poorly rated states can make improvements.

Neighborhood public schools remain the first choice of the overwhelming majority of American families. Neighborhood public schools embedded in communities and governed by elected neighbors, while imperfect, best secure our national future. Together, we can save our public schools, the bedrock of our democracy.

# APPENDIX

## GRADING CRITERIA AND SOURCES

What follows are our four categories with all components under each, along with an explanation of how we deducted points from each state, beginning from a 111-point baseline.

In analyzing states' actions to protect and defend public education, we sought the most recent information we could obtain from reliable sources. If an update to the law was known to us, we used that update rather than the listed source.

### CATEGORY #1: Voucher and Charter Expansion and Protections

#### *Traditional and non-traditional voucher programs*

##### Expansion and financial implications

**Total number of programs:** States lost .5 points for each active voucher program operating in the state: voucher, ESA, tax credit, or individual tax credits or deductions if they applied to private school and/or homeschool families only. **Source:** [EdChoice: School Choice in America 2023](#).<sup>44</sup>

**Voucher eligibility:** States lost points based on the student eligibility rate of their most expansive program.

- 1 point deducted: 25% or less.
- 2 points deducted: 26%-49%.
- 3 points deducted: 50% -74%.
- 4 points deducted: 75%-99%.
- 5 points deducted: a universal voucher program.

Please note that in states with multiple programs, with the exception of universal vouchers, this is an underestimate. Because students can choose from various programs and, in some cases, obtain funding from more than one program, this rating reflects the most expansive program only. In addition, some programs have regional boundaries. Therefore, all ratings are estimates. **Source:** [EdChoice: School Choice in America 2023](#)

**Family income limits:** States lost 1 point if they had at least one voucher program for which the family income limit for participation exceeded 150 percent of the federal poverty level, and 2 points if the income limit exceeded 250 percent of that measure. **Source:** [EdChoice: School Choice in America 2023](#)

**Funding for homeschooling:** States lost points if they provided taxpayer funding for homeschooling. Points were deducted as follows:

# APPENDIX

4 points deducted: a personal tax credit or deduction or if there were extensive restrictions regarding eligibility.

6 points deducted: if there were modest restrictions.

8 points deducted: if homeschoolers received a voucher commensurate with private school voucher amounts. **Source:** [EdChoice: School Choice in America 2023](#)

**Public funding diverted to voucher programs:** States lost 0-2 points depending on how closely their most generous voucher program funding approached the funding they gave to public schools. Points were deducted as follows:

0 points deducted: programs in which the proportion of funding for the most generous voucher program was below 20%.

1 point deducted: if the proportion was between 20% to 59%.

2 points deducted: if the proportion was 60% or greater.

**Source:** [EdChoice: School Choice in America 2023](#)

## **Student Protections**

**Discrimination:** States lost 2 points if they had at least one voucher program that did not outlaw discrimination in admission based on religion. They lost an additional 2 points if they had one or more programs that did not prohibit discrimination based on LGBTQ status. **Source:** A review of state laws, December 2023.

**No state testing requirements:** States lost 1 point if they did not require voucher recipients to take the same state tests as their counterparts in public and charter schools. **Sources:** [EdChoice: School Choice in America 2023](#) and review of voucher laws.

**Requirements for teacher certification:** States lost 1 point if they had at least one program that allows students to be taught by uncertified teachers. **Sources:** [EdChoice: School Choice in America 2023](#) and review of voucher laws and the U.S. Department of Education Office of Innovation and Improvement Office of Non-Public Education's [State Regulation of Private Schools Database](#).<sup>45</sup>

**Required background checks for teachers and employees:** States lost 1 point if there was at least one voucher program that does not require background checks for teachers and employees. **Sources:** [American Federation for Children Growth Fund's Guidebook](#) and a review of state laws.

**State accreditation required of private schools directly or indirectly accepting voucher funds:** States lost 2 points if they had at least one voucher program that doesn't require state accreditation. They lost 1 point if the unaccredited school was

# APPENDIX

at least obligated to apply. **Sources:** [American Federation for Children Growth Fund's Guidebook](#), a review of state laws, and the U.S. Department of Education Office of Innovation and Improvement Office of Non-Public Education's [State Regulation of Private Schools Database](#).

## **Charter Schools**

### **Expansion**

**Participation rate:** States lost 0-6 points based on the percentage of students enrolled in charter schools as a proportion of students enrolled in both public and charter schools. Points were deducted as follows:

0 points deducted: Less than 2%.

1 point deducted: 3%-5%.

2 points deducted: 6%-10%.

3 points deducted: 11%-20%.

4 points deducted: 21%-30%.

5 points deducted: 31%-40%.

6 points deducted: 41% and greater.

**Sources:** [Believing in Public Education: A Demographic and State-level Analysis of Public Charter School and District Public School Enrollment Trends \(2022-2023\)](#).<sup>46</sup> For states not included in that report the NCES Database (2021-2022).

**Controls on charter school growth:** States lost 2 points if there is no cap on the number of charters allowed and 1 point if there is a cap, but the cap is inconsequential because it allows for expansive growth. States with true caps on growth lost no points.

**Sources:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023<sup>47</sup>, The Education Commission of the States 50-State Comparison<sup>48</sup>. [Does the state have any caps on the number of charter schools?](#) and a review of new laws.

**Number of charter school authorizers:** States lost 1 point for every authorizing body beyond the school district that can directly approve the opening of a charter school or any organization that can override a district decision. Maximum points lost were capped at 4. Two states, Virginia and Kansas, were given three bonus points for allowing all opening and closure decisions to remain with the school district's elected school boards. **Sources:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023, and a review of new laws.

**Multi-school charter contracts or multi-school contract boards:** Rather than make each charter proposal go through a rigorous approval process, some states allow charter chains to open new "campuses" under one charter holder and/or allow one board to oversee multiple charter schools, thus reducing oversight and direct governance. States lost 4 points if state law allows either practice and 2 points if state law is silent,

# APPENDIX

but the practice is occurring. **Source:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023.

Obligation to give public school space: States lost 2 points if districts must provide physical space for charter schools either rent-free or via co-location. We reviewed charter school laws to determine if districts must provide space. **Source:** Review of state laws.

## **Protections for Taxpayers**

**For-profit run charter schools:** States lost 2 points if they allowed charter schools to be run by for-profit corporations. They lost additional points based on the percentage of charter schools run by for-profits in their state, as indicated below.

0 points deducted: No charter schools run by for-profit corporations

1 point deducted: 1% - 9%.

2 points deducted: 10% -19%.

3 points deducted: 20% - 29%.

4 points deducted: 30%- 39%.

5 points deducted: 40% or more.

**Source:** Review of state laws and research by the Network for Public Education.

**Related party transactions and conflicts of interest:** States lost 2 points if related party transactions between board members (or members of their family) and service providers were allowed and did not need to be disclosed. States lost one point if they were allowed, but had to be disclosed. States also lost one point if an owner, board member or employee of the Education or Charter Management Organization was allowed to be a school employee or serve on the charter school's board. **Source:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023.

**Charter renewal period can exceed five years:** Although the grand bargain of charters is greater accountability for more freedom, some states allow long periods of time before a contract is up for renewal — some even allow decades to pass for some schools. States with charter programs allowing renewal periods greater than five years lost one point. **Source:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023.

## **Student Protections**

**Enrollment privileges:** Although charter schools claim to be open to all, nearly all states allow extensive enrollment privileges that, over time, shape the student body of the school. States lost 1 point if their charter law permits or legislates enrollment preference beyond returning students, siblings, disadvantaged students, or district residents. States lost 2 points if their additional preferences included more than the children of school employees — such as preferences for board members' children, talent

# APPENDIX

screening, the grandchildren of founders, employees of a workplace charter school, etc. **Sources:** The Education Commission of the States 50-State Comparison. [Does the state specify the students who may be given enrollment preferences?](#) and [Charter Law Database](#), archived February 2023, and review of new laws.

**Use of uncertified teachers:** States lost 2 points if their charter program failed to require teachers to be state-certified. If a state's charter program allows exceptions to the certification requirements to the extent that it makes state requirements nearly meaningless, 1 point was deducted. **Source:** Education Commission of the States 50 State Comparison. [Do teachers in a charter school have to be certified?](#)

**Virtual schools:** Virtual schools have been highly problematic instructional delivery systems for students, as discussed earlier in this report. Therefore, states that allowed virtual charter schools lost 2 points. **Source:** The National Alliance for Public Charter Schools' [Charter Law Database](#), archived February 2023.

## CATEGORY #2: Homeschooled Student Protections

**Notification of homeschooling:** States lost 2 points if they did not require parents to provide notification that they were homeschooling their child. States lost 1 point if they were only obligated to report homeschooling once, not annually. **Sources:** [Coalition for Responsible Home Education](#)<sup>49</sup> and the Home School Legal Defense Association (HSLDA).<sup>50</sup>

**Qualifications of the educational provider:** States lost 1 point if the provider of education, who in most cases is the parent, was not required to have any educational qualifications. It should be noted that in most states that did require qualification, the minimum requirement was a GED. **Sources:** [Coalition for Responsible Home Education](#) and the Home School Legal Defense Association (HSLDA).

**Assessment of learning:** States that did not obligate the homeschooling family to assess their child's learning lost 2 points. States that obligated families to assess but did not require that assessment to be submitted lost one point. **Sources:** [Coalition for Responsible Home Education](#) and the Home School Legal Defense Association (HSLDA).

**Mandated subjects:** States lost 1 point if they did not require core subjects to be taught. **Sources:** [Coalition for Responsible Home Education](#) and the Home School Legal Defense Association (HSLDA).

**Criminal restrictions:** States lost 1 point if they did not restrict convicted criminals, including child abusers, from supervising homeschooled children. **Source:** [Coalition for Responsible Home Education](#).

## CATEGORY #3: Financial Support for Public Schools

**Funding Level:** A measurement of funding from state and local sources — cost-adjusted relative to the national average (2021). States lost points as described below.

0 points deducted: States rated “A” by the Education Law Center.

1 point deducted: States rated “B” by the Education Law Center.

2 points deducted: States rated “C” by the Education Law Center.

3 points deducted: States rated “D” by the Education Law Center.

4 points deducted: States rated “F” by the Education Law Center.

**Source:** [2023 Making the Grade: How fair is school funding in your state?](#)<sup>51</sup>

**Funding Effort:** A measurement of public school funding within the context of the state’s wealth as measured by its Gross Domestic Product (GDP) (2021). States lost points as described below.

0 points deducted: States rated “A” by the Education Law Center.

1 point deducted: States rated “B” by the Education Law Center.

2 points deducted: States rated “C” by the Education Law Center.

3 points deducted: States rated “D” by the Education Law Center.

4 points deducted: States rated “F” by the Education Law Center.

**Source:** [2023 Making the Grade: How fair is school funding in your state?](#)

**Funding Equity:** A measurement of the extent to which funding is equitably distributed among low-poverty and high-poverty districts. The District of Columbia and Hawaii are single-district states and, therefore, had no points deducted. Other states lost points, as described below.

0 points deducted: States whose funding distribution was rated progressive by the Education Law Center.

1 point deducted: States whose funding distribution was rated flat by the Education Law Center.

2 points deducted: States whose funding distribution was rated as regressive by the Education Law Center.

**Source:** [2023 Making the Grade: How fair is school funding in your state?](#)

**Teacher Salaries Adjusted for Cost of Living:** States were rated on how well they pay their teachers based on the average teacher salary (2021-2022) adjusted for the cost of living in the state. States lost points as described below.

# APPENDIX

- 0 points deducted: States whose adjusted salaries were among the top eleven.
- 1 point deducted: States whose adjusted salaries were in the second decile.
- 2 points deducted: States whose adjusted salaries were in the third decile.
- 3 points deducted: States whose adjusted salaries were in the fourth decile.
- 4 points deducted: States whose adjusted salaries were in the bottom decile.

Adjusted salaries ranged from a low of \$36,915 in Hawaii to a high of \$72,315 in Illinois. Please note that awarding points based on rank is a crude measure of salary information. We recommend the National Education Association's Rankings and Estimates for a more detailed analysis.

**Sources:** [The National Education Association's Rankings and Estimate's average teacher salary data 2021-2022](#)<sup>52</sup> adjusted by the [cost of living data series](#) of the Missouri Economic and Information Center.<sup>53</sup>

## **CATEGORY #4: Freedom to Teach and Learn**

### **Laws to Protect LGBTQ Youth**

We rated states on the following: whether they require or restrict inclusive curricula standards, whether they have facilities protections for transgender students, whether bullying laws protect LGBTQ youth, and whether or not they prohibit discrimination against LGBTQ youth.

States lost points on these measures as follows:

#### **Inclusive curriculum standards:**

- 0 points deducted: States that explicitly require that LGBTQ communities be represented.
- 1 point deducted: States that are silent.
- 2 points deducted: States that restrict teachers and staff from discussing LGBTQ issues or require parents to be notified in advance of any LGBTQ-related curricula and allow parents to opt out of these classes.

#### **Access to facilities protections:**

- 0 points deducted: States with no prohibitions on transgender students using the bathroom of their choice.
- 1 point deducted: States that prohibit students or adults in schools from using bathrooms based on their gender identity.
- 2 points deducted: Florida, which makes it a criminal offense to use a bathroom corresponding to their gender identity.

#### **Bullying:**

- 0 points deducted: States where the law prohibits bullying based on sexual orientation and/or gender identity.



# APPENDIX

1 point deducted: States where anti-bullying statutes do not explicitly include sexual orientation and/or gender identity.

2 points deducted: States with laws that explicitly prevent schools or school districts from adding LGBTQ protections to their internal anti-bullying laws.

## **Discrimination:**

0 points deducted: States with laws that explicitly include LGBTQ students in non-discrimination policies.

1 point deducted: States with no explicit protections.

2 points deducted: States with laws that prevent schools or districts from adding protections for LGBTQ students into their nondiscrimination policies.

**Sources:** Movement Advancement Project. [Equality Maps: LGBTQ Curricular; Equality Maps: Bans on Transgender People’s Use of Bathrooms & Facilities According to Their Gender Identity; Equality Maps: Safe Schools Laws](#).<sup>54</sup>

## **Bans on Corporal Punishment**

States were rated on whether or not they allow corporal punishment in their schools.

States lost points as described below:

0 points deducted: States that expressly forbid corporal punishment in their schools.

1 point deducted: States that are silent on corporal punishment, thereby permitting it.

2 points deducted: States that expressly allow corporal punishment in schools.

**Source:** [U.S. Department of Education: Key Policy Letters](#) see footnote 6.<sup>55</sup>

## **Censorship of Curriculum and Book Bans**

States were rated on whether or not they passed legislation to ban so-called “divisive curriculum,” which they generally label as critical race theory.

We deducted 2 points from states that have passed legislation prohibiting the teaching of “divisive concepts.”

States were also rated on whether they promoted book banning — either through legislation and/or based on the percentage of public school students statewide attending schools in districts that are actively banning books.

States lost points as described below:

0 points deducted: States with no documented book bans and/or fewer than 10% of affected students.

1 point deducted: States in which over 10% of public school students are now attending districts that are actively banning books.

2 points deducted: States with documented book bans and/or fewer than 10% of affected students.

# APPENDIX

**Sources:** [“Map: Where Critical Race Theory is Under Attack.”](#) *Education Week*,<sup>56</sup> and [PEN America’s Index of School Book Bans](#). July 2022 through June 2023.<sup>57</sup>

## **Collective Bargaining**

States were rated on whether teachers and other school staff were allowed to bargain collectively.

States lost points as described below:

0 points: States that allow educators to form a union and bargain collectively.

2 points: State with permissive bargaining rules.

4 points: States that prohibit collective bargaining.

**Source:** National Education Association. [“Understanding Collective Bargaining.”](#)<sup>58</sup>

## **Underqualified Teachers**

States were rated on how many underqualified teachers they employ per 100,000 public school students. Data is limited by the sources used by the researchers — while most were post-2020, some were older.

States lost points as described below:

0 points: States in the lowest quartile of underqualified teachers per 100,000 students.

2 points: States in the second quartile of underqualified teachers per 100,000 students.

4 points: States in the third quartile of underqualified teachers per 100,000 students.

6 points: States in the highest quartile of underqualified teachers per 100,000 students.

**Source:** [Is there a national teacher shortage? A systematic examination of reports of teacher shortages in the United States](#) Table 7.<sup>59</sup>

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