

Efficiency for equality?
A case study of the McKay Scholarship Program

Victoria Brown, Department of Integrated Studies in Education,
McGill University, Montreal

May, 2007

A thesis submitted to McGill University in partial fulfillment of the degree of Masters of
Arts in Educational Studies

© Victoria Brown 2007



Library and
Archives Canada

Bibliothèque et
Archives Canada

Published Heritage
Branch

Direction du
Patrimoine de l'édition

395 Wellington Street
Ottawa ON K1A 0N4
Canada

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence

ISBN: 978-0-494-32505-6

Our file Notre référence

ISBN: 978-0-494-32505-6

NOTICE:

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

AVIS:

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.


Canada

Abstract

This thesis evaluates how equitably market efficiency education reforms deliver the public good of education. It critiques extreme market education initiatives for prioritizing efficiency above equality and for neglecting matters of equality, and then conducts a case study on the McKay Scholarship Program, a voucher designed for students with disabilities, evaluating the program against a framework of educational equality. Overall, study finds that this voucher program seriously neglects its students equality, comments on the challenges of efficiency-based reforms being able to equitably distribute public goods such as education and calls for further research to be done on this issue.

Résumé

Cette thèse évalue comment les réformes d'éducation d'efficacité du marché livrent équitablement le bien public de l'éducation. Elle critique des initiatives extrêmes d'éducation du marché et donne la priorité à l'égalité et pour négliger des sujets d'égalité. Elle conduit alors une étude de cas sur le programme de bourse de McKay, un bon conçu pour des étudiants avec des incapacités, évaluant le programme contre un cadre d'égalité éducative. De façon générale, cette étude démontre que ce programme néglige sérieusement l'égalité des étudiants qui le participe dedans et s'attarde sur les défis relever par les reformes basée sur l'efficace.

Acknowledgments

My first debt of gratitude goes to my thesis supervisor, Dr. Kevin McDonough. His intellectual guidance and support throughout this project was invaluable. I would also like to extend special thanks to Dr. Dip Kapoor, whose insights on this subject and resource references were very useful. Further, I would like to thank all of the faculty in the Department of Integrated Studies in Education at McGill University that I had the good fortune to learn from, especially Dr. Roger Slee, whose work on inclusion is inspiring, and Dr. Theresa Strong-Wilson, Dr. Charles Lusthaus, and Dr. Doreen Starke-Merring, and Dr. Anila Asghar. As well as being excellent scholars, these professors were also superb educators.

I am grateful to both McGill University Libraries, and to the University of British Columbia Libraries. At both, the librarians provided me with helpful guidance on researching legal and legislative documents. Diana Reynolds, a graduate student in McGill's Faculty of Law also provided helpful advice on legal research.

Finally, I would like to extend my heartfelt gratitude to my partner Joe, who fully supported my work and put up with many weekends of my typing away on 'the brick' and to my family, who, as always, supported me completely. It is with great love and thankfulness that I dedicate this thesis to them.

Table of Contents

1. Introduction	
i. Overview	1
ii. Education as a public good	4
iv. Accountability and the efficiency reforms	6
v. A liberal perspective on education	17
vi. Efficiency initiatives in education	21
vii. Social justice for students with disabilities	26
viii. Students with disabilities and efficiency reforms	30
2. Equality, accountability, and school choice	
i. Overview	37
ii. A look at market-based education reforms	38
iv. An egalitarian critique of school choice	47
v. School choice, social justice, and students with disabilities	59
vi. Summary	63
3. A case study of the McKay Scholarship Program	
i. Overview	64
ii. Educational accountability in Florida	64
iv. The McKay Scholarship Program	67
v. Three criteria for educational equality	69
vi. The McKay initiative and equality	73
vii. Summary	89
4. Conclusion	
i. Overview	92
ii. The McKay initiative revisited: Key conflicts between equality and efficiency	92
iv. Educational vouchers for equality?	102
v. Educational policy for equality	103
References	105

Chapter 1

Introduction

We are now in a time of great political change, where reforms that put faith in efficiency are shaking the bedrock of our public institutions. Economic efficiency, which has been called “the central value of Canadian society,” has come to be seen as a way to improve public institutions so that they can more effectively serve members of the public in this post-industrial age (Heath, 2001, p. 84). Associated with cost-effectiveness, the quick delivery of goods, and clear targets, efficiency has been aligned with institutions that compete to sell their goods in the marketplace. While these market institutions have been held up as efficient, public institutions, including schools, have been criticized for slowness, lack of motivation, corruption, and general ineffectiveness (Chubb & Moe, 1990; Friedman, 1962). As a result of this criticism and a growing belief in the market's ability to deliver public goods, public institutions across Canada and the U.S. have undergone market-based reforms. The overarching purpose of these reforms has been to make public institutions more closely resemble market-based models, and in doing so, increase their efficiency.

The privatization of public schooling that has been a result of economic efficiency reforms being implemented in education poses crucial threats to public education, particularly to the commitment of public education to social justice for society's most vulnerable citizens, such as the disabled. Traditionally and importantly, education has been understood as a vehicle and a crucial component of social, economic and political

equality. While schools have often failed to live up to these standards of justice, they have almost always been held accountable to standards of social justice when it comes to evaluating their relative success or failure. While no one has ever argued that economic efficiency should be ignored or abandoned in the quest for social justice - indeed, economic concerns about efficiency have always played an important role in discussions of public education - it has up until recently been unthinkable that issues of social justice could be deemed expendable or optional in the quest for economic efficiency. However, this is precisely what the market based reforms of contemporary democratic societies threaten - at least in their most extreme forms. Of course, less extreme forms may not (at least directly) assert that education's commitment to social justice is optional or expendable. Nevertheless, it is not always easy to distinguish the less extreme (and less dangerous or even potentially beneficial) forms of market reform or 'school choice' from the more extreme forms. And much contemporary educational scholarship provides little guidance on how to differentiate between them. However, clarity in helping to make this distinction is crucially important if we are to evaluate contemporary educational reforms in a way that disentangles what is dangerous, harmful, and malicious from that which is benign, inconsequential or potentially beneficent from the point of view of social justice.

This paper aims to provide greater clarity on this matter by examining how the economic efficiency that is emphasized in market reforms to education meet the requirements of equality for people with disabilities. To elaborate: extreme market reforms are fundamentally flawed because they deeply misunderstand and distort the proper relationship of efficiency to equality, especially when it comes to public goods like education. Market-based reforms like school choice assume that efficiency is an end,

a value, a goal in itself. Not only this, but in their most extreme forms, efficiency-based initiatives elevate efficiency to the highest, primary, most valued goal. As such, concerns about social justice are accordingly slighted. If the quest for economic efficiency happens to have outcomes that promote or accord with concerns about social justice for the disabled (e.g. by including some talented students that would otherwise be left out, and thereby enhancing the reputation and success of a school; or by including some wealthy parents who would otherwise send their children (and their money) to private schools) then there is not inherent conflict. But this happy coincidence between economic efficiency and inclusion of the disabled may be the rare exception rather than the rule. And even when it is obtained, the result may often not be congruent with what social justice demands. Equality demands not merely that educational benefits or opportunities be guaranteed for the most talented or wealthiest disabled children. It requires that they be secured for all children, including the disabled. While no reasonable moral conception of social justice could demand that this goal be guaranteed and realized without any regard whatsoever to matters of economic efficiency, they can neither be simply dispensed with or ignored whenever the goal of economic efficiency must be restricted or less than maximized. In other words, a conception of education that provides a proper place for social justice must view economic efficiency as one component that must be considered alongside many others, and play a suitably restricted and qualified role- as a means to achieving the desired goal of an adequate education for all. The central conflict, then, at the heart of this thesis, is a conception that contemporary market-based reforms are based on a moral apparatus which values economic efficiency above all else and, on the other hand, a conception of public education and public accountability that values

education, including a conception of social justice, above all else. In this latter moral conception, economic efficiency has its place, but that place is defined and constrained by its role in promoting education, and not the other way around.

Education as a public good

One key reason why this paper aligns itself with the conception of a public education system that values social justice first and foremost is because education is a public good. A public good is public because it is shared collectively or communally in a deeper sense than a good which is serially shared by individual members of a group. In other words, we might understand water, health care, or education as publicly shared if the good or value of these things depends on them being ours, collectively, as a group. For example, if water is a public good, then its value depends on my not being able to use it for my greater wealth to buy more of it for me and my family than you can for you and your (comparatively poor) family. This kind of good is not something that can or should be capable of being bought and sold. Once it is capable of being bought and sold like this, then it ceases to be a genuinely public good. It loses its quality, its value as it were.

If education is understood as a public good, then it cannot be distributed or 'delivered' privately through market mechanisms and still be a public or shared good. As soon as the market intervenes, then some people can buy more and less is left for others. It becomes like a cake, where the resource can be hoarded individually by those who have the power or wealth to do so. If, however, we understand education as a public good, then a concern for equality is built into it. The more it is shared, the more we all benefit. The whole point, in a way, is to share, communicate it, and learn from it. It is not a 'more for me, less for you' game; it is a mutually generative 'more for me, more for you' game. But this only makes sense if we understand and evaluate the 'success' of the game in terms of a public good of education rather than a private one. One of the only

ways to understand education as a public good is to protect it (to some extent) from the private mechanisms of market distribution. This protection can only be done through public accountability measures, since public accountability is a way of saying that education is a public and not a private good. Through public accountability systems, institutions that deliver public goods can be guided and upheld to moral standards that reinforce the principles of our democratic society, such as a commitment to social justice.

Market-based education reforms offer a clear example of how governments are currently turning the delivery of this public good over to the private market and how, in doing so, are in danger of lessening education's value to society. To achieve their main objective of increasing schools' efficiency, these market schemes have put faith in the private marketplace- a faith has been placed under the auspices that private markets can distribute public goods more effectively than the state. In market reforms to the education systems, the writings of Nobel prize-winning economist Milton Friedman (1962) have provided a conceptual rationale for the would-be effectiveness of privatization initiatives. With the publication of *Capitalism and Freedom* (1962), Friedman argued that if state-run institutions were turned over to the market, they would be spurred towards greater effectiveness, since they would have to compete against one another in a similar manner to market institutions. He also claimed that reforming public institutions into market-based models would have a positive affect on educational institutions that continued to be managed by the government, since these organizations would be put under pressure to perform with the same level of efficiency as privately operated schools. While Friedman's ideas were initially ignored, their popularity rose in the late 1980's and early 1990's, where they influenced market reformers such as Chubb & Moe (1990), Finn (2002), and Ravitch (2002). To increase public education's efficiency, these reformers

have upheld initiatives that aim to transfer the delivery of publicly-funded education to the organizations that operate within the private marketplace.

Giving private institutions the responsibility of distributing 'public' education could seriously compromise and devalue this good and also contribute to inequality. First, market organizations elevate efficiency to a competition. The problem of doing so is that the good being 'delivered' gets thoroughly transformed and degraded. An example of this is a public police force. It is no longer valuable in any deep sense once an individual can pay for police officers to protect him better and more often than others. In the same way, the value of public education is lost when a child from a wealthier family can purchase a higher quality education than a child from a less wealthy family. In another light, educational organizations that compete with one another to the extent that this competition overrides fulfilling education's principles, than the education that is delivered to students will be degraded. A second ethical issue connected to the private delivery of education is that the organizations that deliver it often have limited accountability to the public. The following section describes these reforms' public accountability, along with their close connection to market accountability.

Accountability and the efficiency reforms

One of the central issues upon which privatization reforms have been taken to task is that, in the distribution of public goods, they favor a system of market accountability and prioritize market standards over public accountability. This section defines both kinds of accountability and outlines some of the threats that systems built on market accountability pose to the equitable delivery of public education. In spite of some areas of overlap, market and public accountability diverge in important respects, as each one carries with it a different conceptual apparatus and empirical approach. Let me now consider these areas of divergence more systematically. First, I consider the public

model, then I will look at the private model. The public delivery of goods is measured according to an organization's success in delivering a shared good to all, with considerations of fairness and equity at the fore.

Market and public accountability vary greatly, as each one carries with it a different conceptual apparatus and empirical approach. The public delivery of goods is measured according to an organization's success in delivering (as efficiently as possible) a shared good to all. Based on public accountability standards, public schools aim to distribute education to all children in society. While efficiency is not ignored when evaluating the delivery of public education, it is only important insofar as it is pursued in a way that does not undermine the point of the whole project- that public education is a shared good. Public accountability standards operate in schools through a variety of mechanisms. While some are enforced through equal opportunity laws, other standards consider school demographics, performance records, or financial budgets. Overall, however, the purpose of these mechanisms is similar: to ensure that the delivery of public education meets the principles of the democratic society in which it is delivered.

In the private delivery of goods, market accountability mechanisms measure how successful an organization is at satisfying the private desires of individual consumers. It rewards businesses that efficiently serve their customers with high profits and penalizes businesses that fail to do so with financial losses. The idea behind these mechanisms is that they encourage businesses to be more competitive and, in doing so, increase these organization's efficiency. These standards are therefore connected to businesses competing to fulfill consumers' private desires in the private marketplace. By supporting private organizations which are based on market accountability mechanisms, extreme market reforms have also supported these market mechanisms. Friedman's (1962) argument for increasing the efficiency of public good distribution was largely based on his belief both in the effectiveness of market accountability mechanisms and his beliefs

on how they could be extended to the field of education. While his concern with efficiency is not undertaken without any considerations of equality, in this case, there is an assumption or a faith that equality will be adequately addressed automatically as the result of higher efficiency. In other words, there is no sense that equality and fairness need to be regulated for separately, or provided for through independent normative/ethical regulation.

Nevertheless, when viewed from the perspective of the public model's concern with equality and fairness, the private model of educational accountability is problematic on several accounts when it comes to delivering educational services. First, the private or market system has no moral commitments to fulfill (beyond the imperative of maximizing economic efficiency) and as a result, does not hold the organizations it operates in accountable for their moral behaviors. Insofar as equality is a concern, it is a fortunate byproduct of efficiency, and not something that is desirable or morally obligatory for its own sake. Market accountability mechanisms function to spur organizations towards greater inter-organizational competition, and the idea behind this is the efficiency that rises from this competition will enable successfully efficient organizations to obtain high profits than less successful ones. These same mechanisms are not designed to spur organizations to behave ethically, or to achieve ethical goals. Critics of modern corporations have even accused these market mechanisms of motivating organizations to ignore, or counteract ethics in their quest for greater profits (Bakan, 2004). If educational institutions were to be entirely governed by such mechanisms, there would be no incentive for them to operate in a manner that sought, first and foremost, to realize the goal of providing an adequate education for all. In fact, as with private organizations, there would likely be more incentives for them to operate unethically, particularly if doing so allowed them to compete more successfully against other schools.

When considering the nature of market reforms and the implications of their being implemented on public systems, the dangers they pose for the equitable distribution of public goods becomes stark. Market measures encourage organizations to be efficient and assume that in their quest for greater efficiency, organizations will also operate more equitably. This assumption is dangerous, as the promotion of efficiency and equality do not always coincide, and indeed, the two concepts may at times come into direct conflict with one another. By designing organizations around efficiency-promoting policies and automatically assuming that these policies will promote equality, market reforms risk the danger of organizations not giving equality its proper due, and not being held accountable for these actions. To deliver public goods successfully, organizations must not be primarily guided by market standards, but instead be supported by public standards that hold the realization of ethical goals first and foremost.

Market reforms are now being implemented in public institutions under the banner of efficiency in two different ways. This section briefly outlines both kinds of market reforms, and the broad implications that they pose for the way in which public goods are distributed. While the first initiative's impact on matters of social justice in the distribution of public goods is relatively minor, the threat that the second initiative poses to matters of equality in the delivery of these goods is considerable. And, as the paragraphs below highlight, the difference between the two reforms is closely linked with the differing accountability mechanisms that they operate under.

In the first type of market reform, which I will hereafter refer to as results-based reforms, market concepts, such as competition and an emphasis on results, have been introduced to public institutions. Under these reforms, the government has given public organizations a number of results that they have to achieve within a certain timeline, and has linked their success or failure to achieve these prescribed benchmarks to set of consequences for the organization in question. The belief that underlines these initiatives

is that by connecting concrete objectives to consequences, and measuring organizational success or failure by concrete standards, the organizations in question will be motivated to heighten their performance levels, and concentrate their energies on performing well on what the government has deemed to be important. Their success or failure at doing so will also be highly visible, as will the comparable success of similar organizations, and this will further encourage the organizations in question to outperform similar organizations.

The organizations that have undergone these results-based reforms have remained public, which is to say that they have continued to be operated by the state. With the state being held responsible for their distribution of public goods, the reformed organizations have continued to be monitored and regulated by a number of public accountability mechanisms. Thus, while they may be held more 'accountable' for their operations, or put under increased pressure to deliver the results that the government has outlined to them, the organizations still operate within the apparatus of a public accountability system that places importance on public goods being distributed in a manner that meets the requirements of equality. Because of their continued regulation by public accountability mechanisms, these organizations' distribution of public goods has rarely posed serious threats to social justice. The reason for this is not because these organizations never fail at following their foundational norms. Instead, it is because these kinds of failings can be critiqued by the public accountability mechanisms that regulate these organizations. This is not to say that these critiques will always successfully change the unjust practice on the ground; just that the basis for ethical critique is there, and so we may at least hope for change and we have a moral basis for arguing for it, which we don't seem to have in the private case.

The second kind of market reforms are privatization initiatives. In these schemes, public monies traditionally allocated to public institutions are diverted, and transferred to

organizations that operate in the private marketplace. These private organizations, in turn, contract with the government to deliver public goods. The market-based beliefs in competition and results that are present in the results-based initiatives are also present with these schemes, but they are taken to a new level, as the government is not responsible for running these organizations, but has instead handed this responsibility over to organizations that operate in the private marketplace. One key idea behind this transfer of responsibility is that, unlike government-based organizations, these private organizations have no guaranteed customer, but will have to compete amongst each other to win contracts with the government, and in doing so, will operate with higher levels of efficiency than public organizations. Because they are not run by the government, organizations that are affiliated with privatization initiatives are private, and insomuch, usually operate with little public accountability, as compared with public organizations. From a perspective of social justice, their lack of public accountability is crucial, because it indicates that many of these organizations are exempt from abiding by the same laws, policies, or monitoring systems that public institutions must follow. As a result of the lack of public accountability it propagates in the distribution of public goods, this second market reform poses a much greater threat to equality than results-based initiatives.

Both results-based and privatization reforms have been implemented in Canada and the U.S., but because of the more serious threats to equality that privatization initiatives pose, the following brief history of market reforms will focus on these schemes. Despite a long history of theoretical writing on the efficiency of markets in the distribution of public goods, it is only recently that governments in Canada and the U.S. have introduced privatization reforms on a large scale. Over the past two decades, these reforms have affected the distribution of water, social services, health care, and education in both countries. In the case of water, privatization has occurred in various Canadian communities, including municipalities in New Brunswick, Ontario, Quebec, and British

Columbia (Canadian Union of Public Employees, 2005). A 2003 U.S. report found that 40% of water systems nationwide had been privatized at some level (Segal, 2003). Canadian and American social services have also undergone market reforms. A few examples of this are market-based home care schemes in Ontario in 1996 (Randall & Williams, 2006) and federal market reforms to welfare in the U.S. in the same year (Tanner, 2003).

These privatization initiatives have often received high levels of public support, and one factor that has contributed to their popularity has been the public's frustration with public institutions (Gross Stein, 2001). In an example of this frustration, a majority of *National Post* survey respondents claimed that they would have more confidence in Canada's private education system than its public education system if funding were not an obstacle (Compas, 2001). Partially fuelled by indictments from the government and the media, citizens in both Canada and the U.S. have grown increasingly frustrated with how public goods are delivered, and public accountability mechanisms that have traditionally exercised a powerful influence in deciding how public institutions are run, monitored, and evaluated, have been criticized as ineffective (Finn, 2002; Gross Stein). As an alternative to public accountability systems, policy-makers have looked to the market, claiming that the delivery of public goods will be more efficient if organizations that distribute them are based on market accountability models.

A second reason why privatization reforms have received public support is because they appear to offer the public greater levels of choice, a feature which is currently valued by our society. In this post-industrial age, the public is demanding to exercise choice in their usage of public goods. Many want public institutions to distribute different variations of a good and then be given the freedom to choose which variation they prefer. Market institutions accommodate this consumer preference for choice and variety by offering people a diversity of goods. When someone buys a couch from a store, they may

be given they option of covering it with a choice of eight hundred different fabrics. In enrolling a child in school or talking with a doctor about dates for a medical procedure, the same individual would not be presented with this diversity of selection. Unlike market institutions, public institutions have not been designed to prioritize people's choices and taste for diversity. Instead, public systems usually place more emphasis on standardization. Faced with these institutional differences and its own preferences, the public has grown increasingly wary of the lack of diversity in the goods available from public institutions and has looked favorably on the marketplace's variety (Gross Stein, 2001).

Privatization reforms have been critiqued on a number of counts, and these criticisms have varying degrees of significance to this paper. The first criticism has been that privatization reforms do not deliver the efficiency they promise. This criticism is not of particular importance here, since my goal is to criticize the reforms from an ethical standpoint instead on how successfully they meet their own standards. However, it is interesting to note that evaluative studies on privatization reforms in Canada and the U.S. have generally revealed that the initiatives do not usually deliver the efficiency they promise. When held up against the results of numerous studies, claims that the market delivers public goods more efficiently than the state are largely disproven. Research on market-based reforms in U.S. schools found that the reforms did not increase schools' cost effectiveness (Witte, 2000), levels of student achievement (Rouse, 1998), or make access to schools more equitable (Wells, Artiles, Carnochan & Cooper, 1998; Frankenberg & Lee, 2003). Evaluative studies on efficiency reforms to social services in Ontario found that they actually led to an increase in the cost of services and lowered access to services (Randall & Williams, 2006). Health care market reforms also appear not to have improved the delivery of public health care. Privatization health care reforms in New Zealand and England have led to two-tier systems, where health care is delivered

through both public and private sectors. Reforms in both countries were implemented with claims that introducing private health care would make public health care systems more efficient. However, a 2001 study revealed that wait lists in New Zealand and England's public hospitals were significantly longer than wait lists in Canada's hospitals. Unlike the other two countries, public health care in Canada has not undergone federal market reforms (Tuohy, Flood & Stabile, 2004). This study indicates that, in terms of wait lists, Canada's still mostly public system is more efficient than the two-tier systems in New Zealand and England.

A second critique of the efficiency reforms is much more significant to this paper: that the organizations supported by privatization reforms can dangerously neglect matters of social justice. When deliberating on and evaluating these reforms, it is integral to consider how they can affect citizen's equality, and examine their accountability mechanisms in light of how equitably they distribute a public good. In a democratic society, organizations that deliver public goods must operate in a manner that fulfills the requirements of social justice. The delivery of public goods must be equitable, promoting citizens' equality of rights and equality of opportunity. If institutions that deliver public goods do not keep equality firmly on their agenda, they are not fulfilling the ethical commitments that should be at their foundation.

From a perspective of social justice, the main issue at hand with the privatization reforms is that they will compromise the equality of society's more vulnerable groups. Groups that academics have raised concerns about in light of the reforms include those who are economically disadvantaged (Apple, 2001; Gross Stein, 2001), groups of racial or religious minorities (Frankenberg & Lee, 2004; Wells, Artiles, Carnochan & Cooper, 1998), or the disabled (Sailor & Stowe, 2003; Rotherham & Mead, 2003). Generally, these academics have reservations that pressure from the market to be competitive, combined with a lack of responsibility to adhere to public accountability standards, will

cause privatized organizations to distribute goods in a manner that reinforces or exacerbates the inequalities that members of these groups often experience. For example, in striving to meet the efficiency standards, private organizations may refuse to distribute a good to individuals who could negatively affect how these organizations met their efficiency targets. Or, the initiatives might grant more vulnerable groups access to the good they are distributing, but deliver it in a manner that does not recognize some of these individuals' needs for extra support or resources, without which their personal benefit from the good would be diminished.

Children with disabilities who participate in privatized education schemes provide a case in point example for both of the above concerns. First, these children may not be admitted into privately-controlled schools, as the schools may worry that they will not excel academically, and will therefore negatively impact the schools' test score efficiency targets. Also, these privatization programs would have limited responsibility to public accountability disability laws, and, as a result, would not be required to provide the same level of educational resources to students with disabilities as public programs would be required to do. As a result of these actions, and a number of other problems that could face these children in this situation, the equal educational opportunities of this group of individuals could potentially be degraded.

As a vital public good, education's delivery must be carefully considered. Though most individuals only have direct, intensive contact with schools as children and youth, as members of society we are indirectly affected by the education system all of our lives (Brighthouse, 2000). Present students will be future political leaders, laborers, and educators. To fulfill their responsibilities to students as individuals, to society as a whole, and to the principles that democratic societies are founded on, it is imperative that education systems be based on egalitarian policies and practices. If education systems are to continue upholding these commitments, reforms to the education system must be

evaluated in light of how they meet the requirements of social justice. Carrying out these analyses is particularly important in the case of market education reforms, since these initiatives are often shaped by notions of efficiency and lack a moral basis. The section below describes education privatization reforms and their connection with efficiency, and also introduces the ideals liberal philosophy sets out for public education.

In the past few decades, education systems in North America have undergone various market reforms, many of which have been put into action with the promise that they will improve the efficiency by which education is distributed. At this point in time, educational efficiency is generally measured and understood by two benchmarks: high test score averages and low per pupil schooling costs (Slee & Weiner, 2001). Understood in this context, an efficient education system is one that produces students who perform highly on standardized tests at a relatively low cost to the state. Paying attention to a school's efficiency is by no means a useless endeavor, and in some respects, can even promote equality in schools. This ability of efficiency to support the aims of social justice is particularly true for one of efficiency's benchmarks: cost effectiveness. For instance, a resource-efficient school may be able to allocate money to support increase some students' educational opportunities by offering an after-school tutoring program for students who are struggling in math, whereas a resource inefficient school may find itself unable to create this kind of program in spite of the desire and initiative to do so. In this situation, efficiency is a useful tool that helps a school realize equality (Gross Stein, 2001). Unfortunately, however, under the market reforms, efficiency is positioned as the foremost goal instead of as a concept that can help support the realization of desired values. This is dangerous, because efficiency, when considered by itself, is not a moral concept, and therefore could negate attention away from schools' meeting their moral commitments, or perhaps even encourage schools to behave immorally.

The factory analogy can help us understand how overemphasizing efficiency can degrade moral conceptions of how education should be distributed. Imagine a school as a factory. In this factory, students are viewed as products. Developed by a system, they gain new capabilities with each phase of their development, are tested on these capabilities, and finally reach a stage where they are deemed ready to be exported from the factory as final products (Earl, 2003). Factories are measured by their productivity, and in the case of schools, productivity is measured by the ability of these organizations to produce high achieving students at a relatively low cost. In this model, education is presented as a systematic process whereby human individuality is unconsidered and a rich conception of education that embraces ideas on equality, adequacy, and democracy are absent. This analogy is barren, and, as a tool that will promote the future success of societies, absolutely inadequate.

A liberal perspective on education

When considering education's relationship to social justice, questions arise, such as, "What are the ethical goals that schools should be designed around?" and "How can we ensure that children receive equal opportunities to develop from these principles?" To formulate a response to these questions and evaluate market reforms to education in light of them, I utilize a framework of egalitarian liberalism. This kind of liberalism is particularly concerned with matters of equality. It recognizes that the market rewards people unequally but argues that these unequal rewards should only be a result of differences in individuals' efforts as opposed to other factors, such as family wealth, religious background, or political beliefs. As philosopher Harry Brighouse (2000) outlines in *School Choice and Social Justice*, liberal egalitarianism "attempts to ensure that different people have roughly equal resources available to them over the course of their full lives, with inequalities permissible only when they reflect the greater effort of the beneficiaries" (Brighouse, p. 115). To accomplish this ideal, liberal egalitarians

strongly promote equality of opportunity. They argue that, if individuals have similar chances, the unequal rewards they may receive in the market will be a result of their conscious choices, not of their backgrounds. To promote equality of opportunity, liberal egalitarians try to “impugn unequal life prospects when they arise from unequal circumstances” (Brighouse, p. 74). In other words, they oppose practices that lead to people receiving unequal opportunities.

Using a liberal egalitarian framework is beneficial because of the nature of my analysis. First, egalitarianism is particularly concerned with matters of equality, and as a result, provides a theoretical framework to analyze how justice is being met in the policies of public institutions, such as schools. Second, this theory clarifies what ideals schools should strive to achieve. As Brighouse (2000) notes, in order to evaluate social policies and reforms to institutions, we need to have a clear understanding of these institutions' goals. Before assessing reforms made to the education system, we must look first at what goals education aims to meet and then consider policies and reforms in light of these objectives. If we do not do this we face two different kinds of dangers. First, we may sink into relativism, where differing ideas on public education's aims make it difficult to gain clarity on the issues at hand. Brighouse criticizes public education for its frequent ambivalence, and for lacking clarity on the morals upon which education systems should be built upon. Schools, he claims, are often unable to fully fulfill their requirements to moral principles because these principles often do not play a significant role in the way that public institutions like schools are designed. As a result, public schools often try to meet their moral commitments in a manner that is unclear and ill-defined.

Brighouse (2000) also notes that, if institutions do not have clarity on their moral principles, they face the danger of being easily swayed by contemporary political movements. Market-based initiatives in education provide a case in point example of this.

In a political and social climate where economic efficiency is receiving high levels of support, U.S. politicians were able to implement market-based reforms in the public education system without having done significant research on how these initiatives would affect students' equality (Gross Stein, 2001; Sailor & Stowe, 2003). While the market reforms were certainly disfavored by some academics and the American Federation of Teachers, overall, they were legislated and implemented in the U.S. public education system with relative ease. If the close relationship between education and equality had been clearer to education stakeholders, and if this clarity had been communicated to the public, there may have been greater resistance to the education market reforms, or at least more demands that their impacts on students' equality be researched before they schemes were introduced across the nation.

Egalitarianism's clear framework also provides a means by which to evaluate the equal educational opportunities market reforms provide to children. Children are not yet fully entitled to a roughly equal share of resources, but require the means and conditions, including, perhaps most importantly, an adequate education, and the capacities and skills needed in order to effectively compete for, use, and take advantage of their future resources.

Coming from the perspective that the overall goal of education is to support children's equal opportunities in the future, Brighthouse (2000), writes, "the focus is not on the sum of the education itself but what the education does for the child who receives it" (p. 117). In order for children's equal educational opportunities to be supported, they must receive an adequate education. This paper defines an adequate education as schools ability to sufficiently develop their students' instrumental and intrinsic abilities. While the definition is my own, the definitions of the abilities are based on Brighthouse's. As he describes, instrumental benefits are meant to help children gain advantages when they enter the labor market. Based on teaching children skills and abilities they can later use to

obtain employment, these benefits are usually provided via core academic subjects, such as English and math. Due to a marketplace that gives out unequal rewards, obtaining these benefits will not ensure that children will have equal pay in the future, but it will improve their chances to getting satisfying jobs and long-term employment. Intrinsic benefits are non-competitive opportunities that can make children's lives more fulfilling. These benefits could include children learning how to appreciate literature, shoot a hoop, or sing in a choir. While these benefits may not help children gain employment in the future, they can help them gain a richer enjoyment from life and the confidence that comes from gaining new knowledge and abilities. This paper extends Brighthouse's definition of intrinsic benefits to also include children's development of social skills, which are skills that enable them to work cooperatively with others, communicate, and feel empathy towards others.

To provide an adequate education that develops these abilities in children, schools must utilize broad-based educational curriculums that teach both instrumental and intrinsic skills. Schools should also use assessment methods that effectively measure children's learning. If children's learning cannot be effectively assessed, it will be extremely difficult to support their learning, as educators will most likely have difficulty making decisions about educational instruction, the provision of supplementary resources, or effective assessment practices. Third, schools must employ teachers who are qualified to teach these benefits. Hiring qualified educators will support the goal of children receiving high quality instruction and will also have another positive effect on students' education. Regulations that call for qualified teachers promotes teaching as a profession, and teachers who are well paid, respected, and motivated are likely to provide superior classroom instruction to their students as teachers who are not. Finally, students should be provided with sufficient educational resources. Without enough resources, children may not be able to develop the educational benefits that are so integral to their

receiving equal educational opportunities. As I outline in more detail further on in this chapter, the effective distribution of educational resources can have an especially strong consequence for children with disabilities in special education, as receiving appropriate benefits can greatly enable these children's opportunities.

When considering children's rights to an adequate education, we must not only consider the kind of education they should receive but also ensure that each child has access to receive this education. When analyzing children's equal opportunities in this context, egalitarians are concerned that conditions relating to social economic status, such as wealth or the level of parents' education not give some children access to a better education. They also oppose practices whereby some children receive a better education because they are labeled as more intelligent or talented (Brighthouse, 2000; Dworkin, 1985).

Before outlining how the paper will apply this egalitarian framework, I would like to shift gears briefly, and overview efficiency reforms in education. The purpose of doing so is to provide readers with some background on the reforms. This background includes a brief historical overview of the market initiatives and a description of some of the key ethical issues that have emerged from them, particularly issues that are relevant to students with disabilities. After this discussion, the paper returns again to its egalitarian framework, organizing the principles of educational equality outlined above into specific criteria whereby market efficiency reforms in education can be evaluated.

Efficiency initiatives in education

Recently, there has been an outcropping of efficiency reforms in the U.S. education system and some of them have trickled up to Canada. In both countries schools' public accountability systems have been criticized, and Chubb and Moe's (1990) statement that, "Bureaucracy is unambiguously bad for school organization" (p. 184) has been echoed by

numerous market reformers for the last two decades. Privatization reforms that support the transfer of public monies to schools that operate on market accountability systems (i.e. private schools) have been heralded by these advocates, who have seen schools' privatization as a sure-fire means to increase the education system's efficiency (Chubb & Moe; Manno, 2003; Ravitch, 2002).

One result of these debates and calls for change has been the introduction of a number of market reforms to the education system. The first type which is less significant to this paper focuses on results-based initiatives. Geared towards increasing schools' focus on and attainment of results, these reforms often measure schools' via the efficiency benchmark of test scores. Results-based reforms also tie consequences to results, and can penalize schools according to their failures to attain desired results. Based in the public system, the reforms often operate through and are monitored by public accountability mechanisms. A well known example of a results-based reform is the U.S.'s federal No Child Left Behind Act of 2001 (NCLB). Under this act, U.S. public elementary and high schools must make adequate yearly progress. This progress is measured by schools' ability to raise state-set achievement levels of particular student subgroups, such as special education, black or Latino students. If a school fails to meet achievement benchmarks, their student subgroups will receive extra assistance through funding which comes from Title 1 of the NCLB. If schools that receive Title 1 funds fail to meet benchmarks over a number of years, they face an escalating number of consequences, including being required to give their students the option of attending another public school in the district, having to lay off staff, being given decreasing administrative power, and being made to change their curriculums (U.S. Department of Education, 2002).

The second kind of market reform is school choice, and this initiative is of greater significance to this paper. Choice reforms vary greatly, but share the common goal of

giving parents more choice in which school they will choose for their child and the common belief that increasing parents' choice will increase competition amongst schools, which will in turn increase their efficiency. School choice schemes can generally be divided into two categories: public choice reforms and private choice reforms. While I overview the distinction between these two kinds of choice and the different forms choice that exist within each category in the ensuing chapter, for now I will only generally define each one. The first type of choice scheme offers parents more wide-ranging choices of where to send their children to school within the public system. Depending on the kind of reform, this might mean that parents can send their child to a public school that is in their district, but outside of their neighborhood, or that they can send their child to a school in another district. Because the schools that participate in these reforms are all public, they remain accountable to the same public standards as public schools that do not participate in choice schemes. For this reason, public choice programs have generally not received the same level of controversy that the second kind of school choice has often been met with.

The second choice scheme involves a much more extreme mix of market-based concepts, as it supports the transfer of students from a public education system to a private system that is accountable to a much more limited range of public standards. These market schemes are known as educational vouchers. While they are not schools themselves, vouchers are monetary credits that the government provides to families for the purpose of transferring their child out of a public school and enrolling them in a private school of the family's choice. Like public choice initiatives, voucher advocates have argued that the competition that will stem from this set-up will make schools more competitive and thus more efficient. The argument for vouchers is that they spur competitiveness to a new level, not only encouraging public schools to compete against one another but also to compete against private schools, since through voucher programs,

parents dissatisfied with the public education system are given the option of transferring their child out of it (Friedman, 1962). Voucher's controversy is largely centered on the limited accountability private schools that participate in voucher programs often have to abide by public education standards. Critics of the programs have expressed concerns that these schemes are often not sufficiently accountable to the public, and that this lack of accountability can and does have negative repercussions on the educational opportunities that voucher students receive (People for the American Way, 2004; Rotherham & Mead, 2003)

School choice reforms now have approximately a two decade-long history in the U.S. and Canada, though up to the present time, they have had a much greater stronghold in the U.S. The reforms were initiated in the U.S. in the late 1980's, and began to influence educational policy in Canada in the early 1990's (Bosetti, 2001). The U.S. has a variety of market education schemes, ranging from public choice initiatives to educational vouchers. School choice reforms in Canada have not grafted unto the education system the same swiftness or zeal, and those that have been introduced have largely focused on public forms of school choice. At this point in time, the provincial governments of Alberta, British Columbia, and Manitoba have integrated these public forms of choice into their schools (Alberta Education, 2005; British Columbia Ministry of Education, 2004; Manitoba Education, Training and Youth, 1995). To date, Canada has only had one publicly-funded educational voucher. Brought in by right-leaning Ontario premiere Mike Harris in 2001, the program was shut down by his successor. However, the initiative could potentially be re-introduced in the future, joining ranks with Ontario's privately-funded voucher that is run by the Fraser Institute (2003). With a conservative political party currently in the House of Commons, it is also likely that provinces wishing to adopt these kinds of reforms will receive more federal support than they have in the previous two decades.

This paper focuses on voucher schemes because, as the most radical form of school choice to date, this educational privatization reform best exemplifies a publicly-funded initiative that prioritizes efficiency over equality, and between education as a good to be distributed to individual consumers and education as a public or shared good. When education is distributed to individual customers on the private marketplace, its value as a public good is seriously compromised, as it is possible for wealthier customers to buy more or higher quality forms of this good than less wealthy customers. The distribution of this good ceases to operate under an agenda that seeks to meet public standards and serve public commitments, such as a commitment to equality. Instead, when distributing this good, the organizations will try to make a profit, and this for-profit incentive may motivate them to act inequitably. Concomitant to the issues of public goods being distributed inequitably on the private marketplace is the notion that their limited public accountability will compromise students' equal opportunities (Rotherham & Mead, 2003; Sailor & Stowe, 2003).

One major ethical issue that educational voucher reforms have been taken to task on is how they will affect the equality of children who belong to more vulnerable subgroups, including children with disabilities. As I describe in greater detail further on in the chapter, there are concerns that the equality of children with disabilities may be compromised by efficiency reforms in education (Estes, 2001; Howe and Welner, 2002) and particularly by voucher schemes (Rotherham & Mead, 2003; Sailor & Stowe, 2003). While there is also criticism about the reforms' marginalization of children from racial minority groups (Frankenberg & Lee, 2004; Wells, Artiles, Carnochan & Cooper, 1998) and lower income families, (Gerwitz, Ball, & Bowe, 1995; Apple, 2001) I focus on children with disabilities because of the dearth of academic studies conducted on them and also because of the particular importance social justice has for these children. While social justice is a requirement for all students, children with disabilities have had a long

history of being discriminated against by the education system (Berubé, 1995; Nussbaum, 2006). These students' hard-fought for equality in schools has been an essential component in their obtaining equal opportunities and being treated as valued members of school communities. Also, as I outline in more detail later on, children with disabilities often need more resources than other students, and because of this, require an educational system whose ethical ties are connected to providing these resources for them (Brighthouse, 2000).

Social justice for students with disabilities

The purpose of the following section is to outline the key issues that have challenged the equality of children with disabilities in education and describe two different viewpoints on how schools should educate these children. Referring to egalitarian conceptions on education, I outline the commitments schools must make in order to be able to offer these students equal educational opportunities. Because of its influence over special education policy in Canada and the U.S., I use the U.S.'s federal Individuals with Disabilities in Education Act of 2004 (IDEA) to define students with disabilities in education. The act defines a child with a disability as an individual: “(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities.”

Once considered uneducable, children with disabilities have been historically either left to fend for themselves or excluded from public institutions. However, since the US's federal Individuals with Handicaps in Special Education Act of 1975, which was amended as the IDEA in 1991, and Canadian amendments to special education clauses in legislation that proceeded it (Ontario Ministry of Education, 1980; British Columbia

Ministry of Education, 1980), governments in both countries have formally recognized that children with disabilities' have the right not only to attend public schools but to belong to schools that offer them similar opportunities to their non-disabled peers. Mainly enforced through public accountability laws, such as the U.S.'s IDEA (2004), special education aims to support children with disabilities' opportunities by providing resources for them that promote their learning and including them in general classrooms. IDEA is based on the principal of FAPE, which stands for providing a free and appropriate education to students with disabilities.

At this point, special education programs in Canada and the U.S. still fall short of fully promoting the egalitarian principles that have been legislated in the disability acts mentioned in the above paragraph. While few would argue that education has improved for children with disabilities since the Handicapped Act was introduced in the U.S. in 1975, special education is still rife with problems (Berubé, 1995). Students are misidentified as having disabilities, students from racial minorities are over-identified as having disabilities, and many parents of students with disabilities are dissatisfied with the education their children are receiving (Rotherham & Mead, 2003; Reid et al. 2001). Further, special education policies have often been implemented in schools in a scattered manner, and because of this are not fully realized (Rotherham & Mead).

Recently, there have been numerous debates about how students with disabilities should be educated. Debaters generally fall into two camps: inclusivists and special educationists. Inclusivists support the inclusion of students with diverse levels of ability in classrooms and disagree with categorizations of children that rely on diagnostic medical models and construe differences in ability as negative (Corbett & Slee, 2000). They encourage policy makers and educators to think about making shifts in their own philosophies about disability and to stop putting so much concentration on resources and categories of disability. Unlike philosophies of inclusion, special education is more

reliant on diagnostic models. It sometimes and sometimes does not support the policy of mainstreaming students with disabilities into general classrooms. Instead of celebrating differences between students (Corbett & Slee), special educationists generally view disabilities as impairments that can be worked on in order to improve the quality of children's lives (Hockenbury, Kauffman, & Hallahan, 2000; Mackay, 2002).

My own position on educating children with disabilities is somewhere between the inclusivist and special educationist camps. Generally, I support diverse classrooms composed of students with and without disabilities. As I wrote above, including students with different ranges of ability in classrooms promotes egalitarian principles, exposing them to different ways of life and fostering democratic values, such as tolerance and respect for diversity. It can also promote children's equal opportunities, giving students tagged abled and disabled the chance to be educated together in one classroom. Finally, it provides a solution to the concern that, in being segregated from their non-disabled peers, children with disabilities will not be given the same quality of education and as a result may not have access to the same opportunities as non-disabled students. For these reasons I generally support the inclusion of students with disabilities in general classrooms. However, I acknowledge that there may be specific situations where including children with disabilities in this manner may not be appropriate. For example, placing students with intellectual disabilities in advanced high school courses such as the International Baccalaureate program might have negative effects on them, as well as on other students in the program.

In regards to the inclusivists' argument that difference is to be celebrated and that special education overemphasizes the need for categories and resources, I am again somewhere between the inclusive and special education viewpoints. Educating children with disabilities in a manner that recognizes and values their abilities can be a way to empower both students and educators, creating a positive learning environment. Further,

placing too much emphasis on categories of disability can reduce students' with disabilities individuality. Students with disabilities should not be first seen as “code A's” and “code B's,” but as human beings with their own unique personalities. Having written this, I believe that a degree of disability categorization can help professionals work with and provide resources to students with disabilities. If done correctly and with moderation, labeling and distributing resources can help us promote children with disabilities' equal opportunities in education. However, both activities need to be carried out in a thoughtful manner that respects these children first as individuals. Although I cannot and do not need to outline in detail what the right way to combine inclusion and special education, whatever that combination is must respect and not violate the moral restrictions imposed by the demand for equality of opportunity.

The ensuing paragraphs outline an egalitarian perspective on special education, describing the relationship between special education and the fulfillment of egalitarian ideals, and outlining how schools can support children with disabilities' equal opportunities. I am not suggesting that this perspective provides a solution to all of the issues that have affected the implementation of statutes such as the IDEA, but am instead introducing these concepts to gain clarity on how special educational programs and equality for the students who participate in them can be understood from a perspective of social justice.

First, issues of access are critical when considering children with disabilities' equality in schools. Because of students' with disabilities long history of exclusion from schools, present day education systems must be designed in a manner that ensures that these kinds of exclusive practices do not occur again. In this context, access for students with disabilities includes not only access to school and school programs, but also to general classrooms, where these students can be educated alongside their non-disabled peers. Second, children with disabilities must receive an adequate education in their

school programs. In order to fulfill this requirement, these children must be taught by instructors who are qualified to teach children with disabilities, assessed with assessment tools that measure learning effectively, and also be exposed to a curriculum that sufficiently develops their educational abilities. Another crucial component of offering children with disabilities an adequate education is providing them with sufficient resources to support their learning opportunities. Because these children often require more educational resources than their non-disabled classmates, this will mean that some students will sometimes be given unequal resources. As Brighthouse (2000) argues, sometimes allocating resources to students unevenly can better promote equality of opportunity as a whole because it promotes children's opportunities to develop the same level of educational benefits (p. 123). While allocating resources in this manner will automatically even out the genetic and socio-economic disadvantages that some children face, providing these children with more resources is a way to promote their equal opportunities (Brighthouse). Unequal resource distribution may not perfectly realize the ideal of equal opportunity, which may be impossible in the real world, but that it is the best feasible way of helping us to approach the ideal in the world we actually inhabit.

Students with disabilities and the efficiency reforms

Having overviewed the general requirements to equality that education systems have for promoting children with disabilities' equal opportunities, I would now like to return to the subject of efficiency reforms, or more specifically, to educational vouchers. In this section, I focus on key equality concerns connected to voucher schemes and children with disabilities' equal opportunities. From the perspective of equality, voucher programs present particular challenges to students with disabilities.

Many of the concerns about vouchers and students with disabilities' equality are connected to the criteria I set out for these students' equality in the previous section, and

the majority of the concerns stem from vouchers' lack of public accountability (American Federation of Teachers, 2004; Rotherham & Mead, 2003). Generally, standards of public accountability have supported students with disabilities' receiving equal opportunities in schools, and without these public standards in place, there are worries that educational vouchers could treat students with disabilities inequitably.

These concerns centre on both student access to and within voucher schemes and the adequacy of the education they will receive if they enter into a voucher program. In terms of access, private schools that participate in vouchers could reject students on the grounds of their disability. Reasons for this kind of exclusion could be because school authorities believe these students do not 'fit' into a private school's environment or because of other students' parents not wanting students with disabilities to be admitted into a school (Sailor & Stowe, 2003; Rotherham & Mead). Students with disabilities may also be admitted into a program, but denied access to general classrooms. Segregating students with disabilities into a single classroom could save the private school costs, or also quell complaints from certain parents of non-disabled students.

The second issue concerning these students' with disabilities equality in voucher programs is that they will not receive an adequate education once admitted into them. Again, this issue stems from the fact that many of the private schools that participate in voucher schemes have extremely limited public accountability. In public schools, public standards have promoted students with disabilities receiving an adequate education by mandating that teachers who work with students with disabilities have qualifications that educational curriculums teach students a variety of topics, and that students with disabilities receive sufficient educational resources. However, the private schools that participate in voucher schemes operate in the private marketplace, and as such, are accountable to fewer public standards. Because of this lack of public accountability, there are concerns that students' with disabilities who participate in voucher initiatives will not

receive an adequate education. This inadequacy could stem from their being taught by unqualified teachers, assessed with ineffective assessment tools, exposed to an inappropriate curriculum, or

not receiving sufficient resources to access the same educational opportunities as their non-disabled peers (Rotherham & Mead, 2003; Sailor & Stowe, 2003).

The third key reservation about students with disabilities and vouchers relates to a particular aspect of choice schemes, namely, the freedom that these schemes give to parents in choosing an appropriate school for their child. The worry here is that parents could make poor choices on where to enroll their child, and that this will affect their child's educational opportunities. Studies by Wells (1993) and Gerwitz, Ball and Bowe (1995) on school choice in the U.S. and the U.K. respectively have shown that choosing a school for children in general can be a challenging process for parents, and that parents that participate in choice schemes often make poor choices on what schools their child should attend.

While this concern is relevant to all types of choice schemes, it can be exacerbated in a scheme that where participating schools have limited public accountability (which can often result in greater variability in the quality of schools to choose from) and with student populations that have particular needs from schools. On both counts, the situation of students with disabilities in voucher programs seems to merit particular concern. First, parent choosers will be choosing between schools that have little public regulation, and are likely to be quite variable in their level of educational services. Second, to choose appropriately, these parents are not only faced with the necessity of learning about different kinds of schools, but of learning about what particular special education services each school can provide for their child. Faced with these challenges, many parents may become overwhelmed, and chose a private school that is inappropriate for their child.

To consider the above concerns in the context of a voucher scheme, the paper explores the policies and regulations that guide an educational voucher designed specifically for students with disabilities. I analyze this program in light of what kind of educational equality it offers to the students who participate in it. To evaluate its design, I refer to the issues listed above, examining this voucher in terms of the kind of access it offers students, the amount of support it provides for parents as they choose from amongst the program's schools, and the standards it sets that relate to its participating schools providing their voucher students with an adequate education. Because of voucher schemes' uniqueness, it is difficult to philosophize about other forms of school choice outside of their domain. Therefore, my observations regarding these programs cannot be generalized to other forms of school choice, because their degree of privatization makes vouchers unlike any other choice schemes.

Throughout the analysis, I refer to the concepts of equality and efficiency, marking how the policies that guide the program relate to either concept and pointing out places where these concepts intersect, or even come into conflict. My goal in doing so is to show how these market reforms, particularly the more extreme ones, are guided by contemporary conceptions of efficiency. Following this, I want to demonstrate how these notions of efficiency, in shaping the design of these educational initiatives, are influencing these programs in a manner that likely has pointed ramifications for the equal opportunities of the students who participate in them. By focusing specifically on students with disabilities- a group that has a long history of educational discrimination and a dependence on public standards- I highlight the importance of asking questions about how efficiency reforms affect the equality of society's more vulnerable groups. A democratic society must provide equality for all of its members, including the ones who may be more vulnerable. One important question to ask of the efficiency reforms that are

being implemented in so many of our public institutions is whether or not these reforms adequately support the equality of these groups.

Because of my focus on students with disabilities, I have chosen to conduct a case study on Florida's McKay Scholarship Program. I examine the McKay initiative for two key reasons. First, the program is the only statewide educational voucher targeted specifically at students with disabilities at this point in time. Second, the McKay voucher has been criticized by researchers for its lack of public accountability (Camilli & Buckley, 2001; Rotherham & Mead, 2003; Sailor & Stowe, 2003). These critiques of the program's accountability have often centered on its limited requirements to fulfill the IDEA (2004) and abide by the public standards that Florida public schools are required to comply with (Rotherham & Mead; Sailor & Stowe).

My analysis of this program's policies and my exploration of issues with the efficiency reforms and equality in general will be guided by two overarching questions:

- How does or does not the McKay Scholarship Program fit the requirements of social justice for the students with disabilities in special education who participate in it?
- What, if any, tensions between equality and efficiency emerge from the case study of the McKay Scholarship Program?

This examination of the program will explore the critiques outlined above, looking closely at how the equality the program offers its participating students relates to its public and market accountability mechanisms, and concomitant to this, to its commitments to equality versus its commitments to efficiency. To carry out this examination, I often refer to relevant laws and policies, analyzing state legislation on the McKay initiative, and how it relates to federal laws on disability and social justice. Throughout the case study, I point out how the policies that guide the McKay scheme do

or do not meet the requirements of equality, and how this relates to the emphasis it places on efficiency.

In examining a case study in light of egalitarian principles and making connections between how the findings relate to the broader philosophical concepts of equality and efficiency, I hope to support Brighthouse's (2000) argument on taking a clear philosophical stand on what values public institutions should meet, and then analyzing the organizations in terms of their ability to meet these values. Much clarity needs to be brought to the issue of what purpose schools should aspire towards, what values they should promote, and how they should be supported and evaluated in striving to reach these commitments. A liberal egalitarian perspective is not the only one, though, as I argued earlier, it is a useful analysis tool on a number of counts. By using an egalitarian framework to discuss a school reform's equality and the reform's connection to current attitudes towards efficiency, I hope to encourage dialogues on privatization schemes, conceptions of efficiency, and on how institutions that serve the public can be organized and run in such a way that makes it possible for them to not only meet, but promote the requirements of social justice.

This paper is divided into four chapters. Its introduction has provided a general overview of the efficiency reforms, introduced the paper's liberal egalitarian framework, described the school choice reforms, and outlined some of the concerns that arise when considering voucher initiatives and students with disabilities. The second chapter's main purpose is to provide readers with a framework on accountability and school choice that they can draw from when reading the ensuing chapter's case study. It describes market and public accountability in more detail, outlining some of the criticisms that have been brought against each accountability mechanism. Further, it positions school choice reforms within an accountability framework and briefly describes the history of these initiatives. The third chapter conducts a case study of the McKay Scholarship Program,

analyzing against it against a theory of liberal equality and focusing its analyses on the key equality concerns that connect to children with disabilities who participate in voucher programs. Finally, the fourth chapter summarizes the paper's main findings and explores the question of whether or not the design of educational vouchers can be shaped to meet the demands of equality.

Chapter 2

Equality, accountability, and school choice

This chapters' goals are threefold: first, to describe educational reforms based on market accountability mechanisms; second, to highlight the tensions these market-based efficiency reforms have with a liberal egalitarian conception of equality; and third, to critique the reforms specifically from perspective of justice for students with disabilities. Accountability mechanisms which deliver the public good of education must be designed to support democratic commitments, including a commitment to social justice (Brighthouse, 2000; Gross Stein, 2001). There are serious concerns that market-based efficiency reforms pose threats to students' equality, since market viewpoints make any aspiration to educational equality entirely contingent upon their prior commitments to goals of economic efficiency. As a result, the farther choice schemes move towards these market standards and away from the demands imposed by public accountability standards, the weaker the need for such schemes to respect the ideals and norms of equal educational opportunity. As the chapter illustrates, this lack of formal obligations to equality standards could lead choice initiatives to operate in a manner that inhibits the equal opportunities of the children who participate in them.

One group of students that is particularly threatened by choice initiatives is those with disabilities. These students have a history of being discriminated against by schools and a common need for supplementary educational resources. One of the outcomes of this history and these needs is that students with disabilities often heavily rely on public accountability standards that guarantee their rights to attend schools and receive educational resources. In light of the vital role public accountability mechanisms can play in these students' realization of educational equality, it is not surprising that extreme-market initiatives such as vouchers, that support education systems with little public accountability, have been criticized on the grounds that, in doing so, they may negatively

impact students' with disabilities (Rotherham & Mead, 2003; Sailor & Stowe, 2003). The threat is that if these students participate in schemes like educational vouchers, they may face education-related circumstances that affect their realization of equality, such as exclusion from schools or access to educational resources. To more fully understand these potential threats, in particular how they relate to equality for students with disabilities it is important to critically analyze them from a perspective of social justice.

This chapter is divided into three sections. First, it overviews the range of market-based education reforms, discussing their purpose, and what kind of accountability mechanisms they operate under. The second section uses key premises for educational equality to raise some general egalitarian concerns about choice initiatives. Finally, the last section re-visits some of these egalitarian critiques, considering choice specifically from the viewpoint of children with disabilities' equality.

A look at market-based education reforms

Traditionally, schools, like other kinds of public institutions, have been based on public standards. In education, this public accountability has been centered around the notion of serving citizens by promoting schools' equality. Efficiency has played a role in this. As I noted in the first chapter, efficient schools can often better meet the requirements of equality, and a number of educational policies have recognized this fact, promoting efficiency as a way to further the goals of promoting equal opportunity. Along with this, efficiency has at times been prioritized in its own right. Many public school systems, for example, have a long history of being pressured by and through public standards to meet efficiency benchmarks, such as the attainment of high test scores. Whether treated as a means towards promoting equality or in its own right, however, the goals of efficiency in public education have come second to meeting the goals of

equality. Generally, public standards have worked towards promoting the goals of equality first and foremost.

In the past few decades, the public accountability systems that have been so instrumental in shaping education systems and promoting equality of opportunity have been heavily criticized, and they are now facing a serious challenge from the private marketplace. Many of these critiques are centered on these kinds of accountability being called inefficient, and the ability of efficiency reforms and these reforms market mechanisms to be used as a solvent to cure the inefficiency the public education systems have been deemed to be maligned with. This market viewpoint stems from a different set of values than a public standards viewpoint. Instead of conceiving the promotion of equal opportunity as the primary goal that institutions that deliver public goods should meet, it instead upholds schools attainment of efficiency benchmarks and their first and foremost commitment. In other words, this viewpoint prioritized the goals of efficiency over the goals of equality. This difference between public standards, which have traditionally stressed equality, and market standards, is extremely significant. As this paper will demonstrate, the priority the market viewpoint places on efficiency is evidenced in market education reforms, particularly in their more extreme forms. Along with this, it is also possible to understand why extreme reforms can, in their commitment to efficiency, can neglect and perhaps even work against matters of equality.

Coming from a viewpoint that prioritizes efficiency, market reformers deem market mechanisms, which are designed to place efficiency over all else, as more efficacious than public standards, which are designed to promote equality over all else. Rooted in the values and goals of the private marketplace, market accountability mechanisms aim to make businesses answerable to the competitive market that they operate in, and in doing so, spur these businesses to operate efficiently. If corporations cannot successfully

compete against other corporations, they will be held answerable for this failure by reduced profits and perhaps even bankruptcy.

Viewing market accountability as a means towards greater organizational effectiveness, education reformers Chubb & Moe (1990) and Finn (2002) have argued that it should be introduced to the public education arena, claiming that implementing market concepts in the education system will make schools more efficient. As Finn writes, for schools: "...exposure to the marketplace-even a whiff of the marketplace- is an action-forcing consequence..." (p. 17). In this viewpoint, efficiency is positioned as the primary goal of schools and market accountability as a means by which this concept can be achieved. Commitments to public standards like equality may not be totally forsaken in this market perspective, but the importance of meeting these commitments is placed in a secondary position to organizations meeting their commitments towards efficiency.

The following paragraphs describe the recent initiatives that have introduced market mechanisms into the education system. While there is some variability amongst the reforms, they generally fall into two categories: results-based schemes and school choice initiatives. Results-based reforms work within the public education system but introduce market-driven measures to it, such as competition and a focus on outcomes. Their main impact on education has been to increase the emphasis placed on efficiency and meeting efficiency benchmarks. An example of this the number of market-reforms that have aimed to increase schools' standardized test score averages. As one of the primary benchmarks of educational efficiency, these reforms have often centered on heightening these scores. While standardized tests are not new to the education system, the difference between results-based reforms and public accountability measures of efficiency is that results-based reforms give schools direct consequences for their test score results (Finn, 2002; Dorn, 2004). For example, if schools have low test scores, they may receive fewer

resources from the state, no teacher bonuses, pressure on their principals, and, as I will describe later, lower levels of student enrolment as a result of some of their students being transferred out of them (NCLB, 2001). Describing this kind of market reform, Olson (1999) writes:

[It is] a very American set of ideas: Take responsibility for your actions. Focus on results. And reap or rue the consequences.... After decades of focusing on such "inputs" as how many books are in the school library and the number of computers in the classroom, American education is shining a spotlight on results. In more and more states, policymakers are moving to reward success and punish failure in an effort to ensure that children are getting a good education. (p. 10)

While these beliefs are being implemented through the federal NCLB (2001), they are also being introduced at the state level. In the past decade, the states of Florida, Texas, and California have all undergone results-based reforms that in many ways mirror and reinforce the results-based focus of the NCLB (Kirst, 1998).

The second type of market accountability reforms are the ones this paper focuses on: school choice initiatives. The basic idea school choice rests on is that parents should be able to choose an appropriate school for their child. This is not a new concept. Parents have been choosing schools for their children for centuries, and it can even be argued that many parents choose schools for their children based on their choice of which neighborhood to live in (Brighthouse, 2000; Henig & Sugarman, 1999). What has turned school choice into a market reform, however, is the way it has connected parental choice to market notions about making schools more competitive and thus more efficient. The logic of choice schemes can be linked to the logic upon which market mechanisms are based. In choosing a school for their child, parents become customers of schools, and the education arena is turned into a marketplace where schools compete against one another to gain student enrolment. If parents prefer a particular school, they will reward it by selecting it above all other schools. Schools that are unable to attract parents will be held

accountable by the market in the sense that they will be unsuccessful competitors in the educational marketplace. School choice has strong links to market logic, but most choice schemes continue, for the most part, to operate within the bounds of a public school system that relies predominantly on public accountability mechanisms. There are, however, some exceptions to these public forms of school choice, and these variations will be referred to later on in this section.

The contemporary school choice movement was jumpstarted by the publication of *A Nation at Risk* in 1983 (Sailor & Stowe, 2003). The report's outline of low national trends in student performance incited worry in policy-makers, many of whom collaborated to find ways to cure the “ills of the schools” (Ravitch, 2002, p. 19). After its publication, the U.S. Department of Education implemented a series of market-based reforms in schools. School choice, the most influential initiative to emerge from this series of changes to the education system, has been strongly supported by the U.S. government. Since 2001, the U.S.'s Department of Education has spent over 1.8 billion dollars on increasing choice initiatives (U.S. Department of Education, 2005).

While the majority of choice schemes operate within the public system, some of these schemes are less accountable to the public than regular schools and others operate outside of the public system entirely. The paragraphs below first outline the kinds of choice that exist firmly within a public accountability framework and then describe the kinds that exist within a market accountability framework. My goal in outlining these schemes is for readers to be able to see the close relationship between public and private institutions and also between public and market accountability standards.

Public school choice

Two kinds of school choice that operate firmly within the public accountability system are intra-district and inter-district choice. Both forms have a long history in many

states and provinces and are not recent reforms that have stemmed from efficiency's popularity. About ten percent of U.S. elementary and secondary students attend schools that they are not assigned to by virtue of where they reside; and for many, this is largely a result of public school choice (Henig & Sugarman, 1999). In intra-district schemes, children attend non-neighborhood schools that are in their school district. Public schools that participate in intra-district programs are often labeled alternative, experimental, or specialty schools. Some of them admit students on a first-come-first-serve basis, while talent-based schools, such as ones with fine arts programs, may use selection criteria. In the U.S., these schools may also have quotas which encourage racial integration (Henig & Sugarman). A second form of intra-district choice is magnet schools. The purpose of magnets is usually to foster racial balance in schools (Phillips, Raham, and Wagner, 2004). Often set in poor, urban areas and offering specialized programs, these schools aim to attract a wide-range of students (Henig & Sugarman).

In inter-district choice schemes, students cross district boundaries to attend schools. Tuition funds from the state or province often follow the students, and parents may be responsible for transporting students to and from school (Alberta Learning, 2003; Manitoba Education and Training, 2005; U.S. Department of Education, 2002). If this choice scheme is implemented on a state or province-wide scale, it is equivalent to an open-enrolment program (Phillips, Raham, & Wagner, 2004).

Public school choice with a market bent

Unlike intra and inter-district choice, charter schools are relatively new and were largely initiated by market accountability advocates (Lockwood, 2004). As publicly-funded institutions that have greater autonomy than regular public schools, charter schools are formed by a charter that outlines the school's goals and how it will achieve them. The charter usually expires in three to five years, and if the charter school has not

fulfilled its mandates by the charter's expiration date, it is shut down (Vergari, 1999). The rationale behind the charter mechanism is that it is supposed to make the schools more accountable for their goals (Manno, 2003; Lockwood).

While charter schools operate in the public system, these schools have less public accountability than regular public schools. For example, charters might be able to hire teachers who lack certifications or do not belong to a union (Vergari, 1999). Most charters are also able to choose their own curriculum and create a specialization. For example, some charter schools in Alberta focus on a traditional, teacher-directed approach to education (Bosetti, 2000).

Market accountability has been built into charter schools through the mechanism of the charter, which usually requires the schools to obtain certain levels of academic achievement and student enrolment within a specific time period. In a sense, charter schools are similar to results-based reforms. Like these reforms, charter schools are given direct consequences for their ability to achieve certain efficiency goals. In the case of charters, these consequences can translate into their being closed down. Because of this market accountability mechanism, charter schools are under more pressure to be efficient than regular public schools.

Market advocates have supported charter schools, and have historically seen them as an alternative to voucher programs, which they had difficulty getting legislated by Congress (Sailor & Stowe, 2003). Because charters schools still fall under the category of 'public schools' and, as I shall outline soon, have more public accountability than voucher programs, they have generally been viewed as a less controversial way of bringing market-based practices into public education. Support for charters began in the 1980's, but despite being promoted by the late Albert Shanker, former president of the American Federation of Teachers, the reform was unpopular with teacher's unions, who

criticized them for having less public accountability than regular public schools (Lockwood, 2004).

The first charter school opened in Minnesota in 1991, and in 1992 the schools were legislated in California. In the three legislative sessions that followed the opening of the California charter schools, they were legislated in twenty-three states, with a substantial number of schools opening in Arizona, Colorado, Michigan, Texas, and North Carolina. By the fall of 1998, over 1,100 charter schools had opened in the U.S. (Northeast and Islands Regional Education Lab. at Brown University, 1999). In the same year, President Clinton signed the Charter School Expansion Act, and proclaimed that three thousand charters would operate in the U.S. in the early part of the twentieth century (Lockwood, 2004). In the years that followed, charter schools continued to proliferate. As of October, 2005, forty states and the District of Columbia had charter school laws in place and about 3,600 charter schools served more than one million students (Center for Education Reform, 2005).

Private School Choice

Moving away from the public system of accountability, I now outline two choice reforms that operate within the private one. While private schools have not emerged from the recent choice movement, they rely on market accountability, as do educational vouchers- initiatives which have been introduced to the education arena only recently. Because voucher schemes are the main focus of the paper, my description of them is more detailed, and goes into the programs' history, accountability mechanisms, and uniqueness.

One form of private choice is private schools, and because of their close connection with voucher programs, they are of great significance to this paper. These schools are operated by private individuals or groups that may or may not be affiliated with a religion

(Henig & Sugarman, 1999). Like some magnet schools and charter schools, they may provide specialized programs for specific groups, such as athletes or children who excel in academics. Private schools operate with market accountability standards, and are mainly accountable to the parents who pay for their children's enrolment. Based on business models, most private schools position parents as customers, and often prioritize their desires. Successful private schools are schools that are able to please these parents, financially supporting themselves or perhaps even making a profit through student tuition fees.

Despite being based on a market accountability model, many private schools have some public accountability, though the degree of this accountability varies widely. In Canada, this variety exists between provinces, and often correlates with how much funding provinces allot to private schools (Phillips, Raham, & Wagner, 2004). Generally, all of the provinces west of and including Quebec offer subsidies that average 50% of per-pupil operation costs to accredited private schools (Phillips, Raham, & Wagner). Accreditation requirements vary from province to province, but usually center around schools adhering to a provincial curriculum and abiding by civil rights laws. Compared with Canadian private schools west of Ontario, U.S. private schools have extremely limited public accountability and are almost exclusively based on a market accountability model. The U.S. government offers money to private schools through specific grants programs, but does not subsidize students in general private school classrooms on a per pupil basis (U.S. Department of Education, 2002). When private schools participate in federally-funded programs, they must adhere to Article 42, an anti-discrimination law that forbids schools to discriminate against students on the basis of race, color, or national origin, but are free to discriminate against students on all other criteria, such as gender, ability, or religion (U.S.C., 2000).

A second education initiative based on market accountability is educational vouchers, a reform that is closely linked to private schools. In these initiatives, participating parents receive vouchers from the state for the purpose of enrolling their child in a private school of their choice. Particular voucher programs may target different groups of students, such as students from low-income families or students with disabilities (American Teachers Federation, 2005). While some programs are privately financed, the majority of vouchers in the U.S. are funded by the government (People for the American Way, 2005). The fact that most vouchers are publicly-funded but primarily rely on market accountability models makes them unique among school choice initiatives.

Educational vouchers were introduced to a contemporary setting in 1962, with the publication of Friedman's (1962) book, *Capitalism and Freedom*. While initially ignored by most academics and policy-makers, the economist's ideas have come to influence choice schemes enormously. Friedman argued that, while education is a public good that the government should pay for, this does not mean that the government should provide it. If the government is the only provider of schooling, it will have a monopoly over the education system- a situation which will discourage competition and do little to make education more efficient. Instead, the government should pay for a number of institutions to provide education, and have them compete against one another, gaining higher levels of efficiency in the process.

Relying primarily on the market accountability model, voucher programs' public accountability is generally quite limited. One way their public accountability can be measured is by the requirements the state makes on the private schools who participate in publicly-funded voucher schemes. While these requirements vary from state to state, they are usually by no means exhaustive (American Teacher's Federation, 2005). For example, in the Milwaukee Parental Choice voucher scheme, participating private schools are only

required to employ teachers who have high school diplomas. These schools are also not required to participate in statewide assessments or publish information on their student records (First Class City School System, 2004). Private schools that participate in publicly-funded voucher initiatives like the Milwaukee scheme also do not have more public accountability towards their voucher students than they do towards their non-voucher students.

An egalitarian critique of school choice

This section's critique of choice schemes is based on the requirements for equality that Brighouse (2000) sets out for educational institutions. The purpose of this examination is to lay out a general framework for educational equality, and evaluate choice schemes in light of their ability to fulfill these requirements. In the process of analyzing the choice reforms, I also examine the conflicts and tensions that arise between the fulfillment of equality and choice schemes and how these tensions relate the reforms commitments to efficiency. After discussing these issues in terms of how they could affect the general population of students who participate in market reforms, I concentrate specifically on what these reforms could mean to children with disabilities. To carry out both of these analyses, I chiefly consider private choice schemes and public initiatives with a strong market bent, like charter schools. These particular choice reforms have been chosen because they have stronger ties to the marketplace than choice initiatives that are strongly grounded in the public system. As a result, these more extreme market initiatives have to comply to fewer public accountability standards. From the perspective of equality, these schemes' connections with the market and their limited public accountability raises concerns about the level educational equality that they are able to provide for their students.

Limited student access to choice initiatives

One of the requirements of educational equality is that children have equal access to schools in the sense that their social or genetic backgrounds should not affect the quality of education they are able to receive (Brighouse, 2001). This requirement is closely linked to a conception of education as a public good. The value of public goods lies in their ability to deliver a good to all members of society who require it. In light of this, the value of public education stems from its ability to provide an adequate education to all students. This value will deteriorate if some students are able to receive a higher quality education than others due to wealth, talent, or ability.

When present-day public schools are evaluated on their fulfillment of this requirement, they usually come short of meeting this goal. One key reason for this is because public schools' funding is often tied to local property taxes. In higher income neighborhoods, property taxes are usually high, and public schools located in these neighborhoods usually receive more funding per pupil than schools in lower income neighborhoods as a result of these property tax differences (Kozol, 1992). As a result, children who attend schools in lower income neighborhoods often receive significantly fewer tax dollars for their schooling than children who attend schools in higher income neighborhoods. In Jonathan Kozol's (1992) book, *Savage Inequalities*, he documents how inequitable funding is for U.S. public school children. In poor-inner city school districts, Kozol found that per pupil funding for students' education can be as little as half the funding allotted to children attending schools in wealthier districts. This is certainly a situation that privileges families that can afford to pay higher real estate and property taxes. The method of tying school funding to local taxes is an enormous ethical issue in the public education system, and is in great need of being adequately addressed.

Choice initiatives, however, have their own particular access issues, issues that largely relate to these schemes' efficiency motives and their often limited public accountability. The following paragraphs outline these schemes, starting with the

motivation they may have to make themselves less accessible to certain groups of students and then outlining the limited accountability to public standards that may cause them to, either directly or indirectly exclude students from certain groups.

The emphasis choice schemes place on the need to please customers and cater to their desires could cause the initiatives to deny access to certain students. One group of students that may be excluded in this kind of a scenario is students who do not have high academic achievement records or obtain low scores on tests. Parent customers, when shopping for schools, may favor schools that have high academic averages, as these scores are one of the benchmarks by which, in the educational marketplace, schools will be measured by. Because of competition in the educational marketplace and pressure to produce the high test score records that will attract parent customers, choice initiatives may find ways to either officially or unofficially exclude student applicants who have low academic records. This type of discrimination has a likelihood of occurring in charter schools, because these schools operate with a charter mechanism, and might be shut down if they do not obtain certain test score averages (Vergari, 1999).

Another market motive that could limit certain students' access to schools is that, to satisfy parents' demands, choice schemes may create homogenous school communities and discriminate against admitting students who do not fit into these communities. In an educational marketplace, schools may obtain higher levels of student enrolment by creating a niche that will attract parents to that school. While this niche may be a specialized program, it could also be a school community that is bound by certain commonalities, such as correlations in parents' language, national origin, or in the case of some private schools, religion (Fuller, Elmore & Orfield, 1996). To create this homogenous school community, choice schemes may target specific groups in the larger community, or deter certain applicants by telling them that they will not "fit" into a school's culture. Research on charter school appears to back-up this critique. Studies

carried out by Harvard Civil Rights Project researchers Frankenberg & Lee (2003) and by Wells, Holmes, Lopez, and Cooper (2000) reveal that on average, charter schools are less racially diverse than public schools. In a study of charter school demographics in the sixteen U.S. states that enrolled 5,000 or more students in charter schools, Frankenberg and Lee found that 70% of black students attended “intensely segregated schools” and that in every state the average black charter school student attends “school with a higher percentage of black students and a lower percentage of white students” (p. 10). In Wells' (1998) study of California charter schools, researchers found that the requirement that charter schools reflect the ethnic and racial makeup of districts were not enforced and that the schools were able to exercise a considerable amount of control over the kinds of students they admitted. Because of these kinds of studies, charters schools have been criticized for increasing school segregation, and reversing the work that has been done to desegregate U. S. public schools over the last three decades.

Unlike charters, voucher schemes operate in the private system, and, as the following paragraphs point out, are only accountable to limited public standards, and as a result, can openly discriminate against admitting unwanted students with relative ease. Because vouchers receive some federal funding, private schools that participate in voucher initiatives must abide by Article 42, a law which forbids private schools from discriminating against students on the basis of race, color, or national origin (U.S.C., 2000). As an anti-discrimination statute, this law is extremely limited; the private schools that must abide by it can still discriminate against student applicants on many other counts, such as their ability, standardized tests scores, gender, or religion. In this kind of a scenario, students are not protected from many forms of discrimination, and while this poses problems to all students, it poses the greatest challenges to students who are the most vulnerable to discrimination, such as those from religious minorities or those who have difficulty with test-taking or academic subjects in general.

Another issue connected to public accountability standards, access, and choice schemes is some students having lower levels of access to programs because of their families' income level. In voucher schemes, for example, wealthier parents may use monies gained from educational vouchers to 'top up' the private school fees they are already paying for their children. By combining voucher monies with their own personal wealth, these parents will likely be able to purchase a higher quality private school for their child than that of parents who can not afford to pay tuition fees at schools that exceed the sum of the child's voucher (Brighthouse, 2000). Another concern is how voucher students will be transported to their respective private schools. Voucher programs frequently do not provide transportation for students, and a lack of school-provided transportation can act as a barrier to children whose families do not own cars, or whose parents work at times when the child needs transportation to school (Apple, 2001).

Limited support for parent choosers

A second major critique of choice schemes is that they create a scenario whereby children's educational opportunities can be limited if their parents are poor choosers of schools. School choice initiatives give parents the freedom to choose an appropriate school for their child, but if parents choose poorly, this can seriously affect their child's educational opportunities. Research on the quality of parents' choices of schools largely supports this critique. Studies by Wells (1993) and Gerwitz, Ball, & Bowe (1995) both revealed that the quality of parents' choices of schools for their children to attend was significantly related to the parents' level of wealth and education. Wells' research on parents' choices of charter schools revealed that low-income parents often made poor choices of schools for their children, or let their children, often too young to make well-balanced choices, choose a school themselves.

One of the premises that school choice is based on is the notion that parents can be efficient consumers of schools. Friedman's (1962) belief that choice initiatives can drive schools towards greater efficiency is contingent on parents being able to choose schools in such a way that exerts pressure on the school system, making schools more efficient in the process. Friedman's faith in parents' ability to be effective choosers is echoed in the later writings of school choice advocates like Chubb and Moe (1990), Manno (2003), and Ravitch (2002). On a practical level, this faith has helped support a reform where parents' are given high levels of liberty to choose schools for their children, even if many of these parents may choose poorly and limit their children's educational opportunities as a result.

This particular critique of school choice draws attention to how efficiency's popularity can simplify the complex process of choosing a public good like education. Selecting an appropriate school for a child is a multi-layered process- choosers must not only consider the quality of schools' educational services but also their environment, staff, level of equality, and ability to support individual children's particular needs and abilities. Moreover, selecting a school for a child has moral implications that can reflect directly on a child's future opportunities and also on society as a whole. Because of these points, the complexity of choosing a school for a child should not be diminished by comparing it to the action of selecting a private good. Treating the matter of parents choosing schools lightly, or putting unmerited faith in parents' ability to choose appropriately can foster laissez-faire attitudes, where regulatory bodies take the position that parents can choose schools by themselves, and as a result, need little or no state-provided guidance on schools or support for choosing schools.

The issue of parental choice and schools brings out another, broader moral question: If we want to support children's equal opportunities, should our society permit parents to choose schools for their children? If a number of parents will likely make poor choices when selecting a school for their child, is it in fact permissible, from the standpoint of equality, that they be given the power to make these decisions? Because they are not yet adults, children are often vulnerable to their parents' decisions (Brighouse, 2000), but in the case of school choice, it may be possible for the state to insulate children from this particular problem by banning school choice and by having children only attend local public schools (though even doing this would fail to eliminate the choice parents exercise over what school their child should attend when they decide to live in a particular neighborhood.) To respond to this question, one must decide whether or not to prioritize practices that support children's equal opportunities or prioritize the family's liberty to make decisions on behalf of a child (Brighouse). When considering the most appropriate response to this question, it is difficult to prioritize either value over the other. Few would argue with the notion that parents have the right to raise their children according to their values and beliefs. However, this principle can come into tension with liberalism if parents decisions' work against their children developing into self governing adults. For example, by choosing a religious school that only exposed a child to its particular religion, child's opportunities to learn about each others' approaches to religion and develop their own individual viewpoints on this subject would be restricted. Brighouse suggests a balance between these two values and outlines how the state can give parents some control over their child's education (such as opportunities to choose a school for their child) but should also attempt to insulate

children from their parents' wealth or social backgrounds (providing free public schooling, laws that set out a mandatory number of hours children must attend schools, and upper and lower limits that parents can spend on a child's education in private schools). As Brighthouse points out, none of these actions will totally insulate children. Full insulation, however, could mean separating children from their parents and having them raised in an institutional setting. This action would violate the principle of the family and would likely be largely unsupported by the majority of citizens.

Considering choice schemes in light of Brighthouse's arguments, we must recognize that families can exercise some rights in deciding what school their child can attend, but that choice schemes should have insulating mechanisms that try to mitigate the poor choices that some parents may make. These insulating mechanisms should include state-run organizations offering parents guidance in the form of detailed information and counseling support as parents go about the process of choosing a school for their child. While this will not mitigate all poor choices from occurring, it will hopefully give children more insulation than otherwise would have been provided for them.

An adequate education

A third equity-based concern about more extreme choice initiatives is that they will not provide students with an adequate education. This paper defines an adequate education as one that sufficiently develops children's intrinsic and instrumental abilities (Brighthouse, 2000), and holds that schools must uphold a number of commitments to successfully fulfill this goal. A child's instrumental abilities can be defined as abilities that will help a child succeed in the future employment market. These could include

developing literacy or numeracy skills. Intrinsic abilities are skills that promote children's opportunities to lead fulfilling lives. They could include children learning to appreciate music, sports, or socializing. The section below describes the primary commitments schools must prescribe to in order to adequately educate their students and how choice schemes often do not meet these commitments.

The first requirement schools must fulfill in order to provide children with an adequate education is to employ assessment methods that effectively assess students' learning. The main critique of choice programs' assessment practices is that they will overemphasize standardized testing. These reforms have risen out of the efficiency movement and one of the ways their creators have fought for their legalization and implementation has been by arguing that these schemes will fulfill efficiency commitments (including high test score attainment) more successfully than regular public schools. Concomitant to these ideological roots, choice initiatives have market mechanisms designed to pressure them to attain higher test averages. Charter schools, for example, operate under a charter that usually sets out what academic averages these schools must achieve (or potentially face closure) (Vergari, 1999). Voucher programs operate in a private market, and one of the grounds on which they are expected to compete with other private schools is in their students' high academic achievement records. In order to create or foster schools where students score highly on tests, choice schemes like charter schools and educational vouchers may frequently have their students take standardized tests, assess students primarily by their scores on these tests, or pressure teachers to increase students' scores on these tests by focusing their curriculum on test preparation.

From the perspective of equality, and more particularly, in consideration of schools' responsibilities to fulfill educational ideals and provide their students with both instrumental and intrinsic benefits, the idea that choice initiatives may place great

emphasis on test scores is ethically troubling. First, it is doubtful that standardized tests can fully represent students' learning. Even if one accepts the premise that test scores are measures that can indicate students' learning, one must still concede that what they can measure is quite limited. Assessment researchers have critiqued tests for only providing a snapshot of students' knowledge at a particular moment in time (Earl, 2003) and for their inability to demonstrate how a students' learning has developed. If schools overemphasized this measure, their ability to successfully assess a child's development and learning would be questionable, and, as a result, the student may not be able to receive the recognition or support that would adequately promote their development of educational benefits.

Along with this, standardized tests usually solely focus on measuring students' development of instrumental skills, and have little connection to evaluating their intrinsic abilities. In neglecting the intrinsic areas of children's development, standardized tests will likely measure and present information that does not describe a full picture of a child's educational growth and learning. These tests indicate little on how a child interacts with the world around them, engages in art, enjoys the pleasures of reading, feels compassion towards her classmates, or takes a leadership role in athletic activities. If schools or programs choose to solely focus on standardized tests, they will not only be unable to fully evaluate their students, but will also send a message that intrinsic abilities are less valuable than instrumental abilities. This could also have a negative affect on balanced curriculum planning, since, to meet the efficiency benchmark of high test scores, choice schools may 'teach to the test' and neglect to develop abilities and skills that fall outside of the tests narrow parameters. In classroom contexts where instrumental skills and test scores are over-emphasized, the breadth and depth of education's possibilities can be diminished, harmfully affecting the moral and intellectual

development that go hand in hand with children learning about a subject through creative exploration and working as part of a group.

A second criterion connected to schools offering students an adequate education is that they only hire qualified teachers. There are concerns that extreme choice initiatives may provide students with a less adequate education because they employ teachers who lack appropriate teaching credentials or experience. Charter school laws vary according to state or county, but a number of these laws permit charter schools to employ teachers who lack the qualifications that would be required for them to work in the public school system. In terms of educational vouchers, U.S. private schools are generally not regulated by the same hiring laws as public schools, and ones that participate in voucher programs can employ teachers that the public school system would deem unqualified. For example, a U.S. private school might employ teachers who do not possess teaching degrees, any university degree whatsoever, or teaching experience. In either a charter school or a private one participating in a voucher, students' receiving an education from unqualified teachers is problematic, and in many cases, will likely lead to their obtaining lower quality instruction than children in public schools (People for the American Way, 2005).

The third component schools must meet in order to adequately educate their students is to provide these students with sufficient educational resources to support their educational opportunities. The provision of resources is closely tied to the liberal principle of equal opportunity. It holds that, in its aim to foster individuals' equal opportunities, resources can be employed to even out differences in ability that stem from students' social backgrounds or genetic makeup. Lunch programs for lower income students or one-to-one teaching instruction for students with learning disabilities are some examples of educational resources designed to support students' equal opportunities. However, there are fears that choice schemes' lack of accountability to

public standards exempts them from providing the kind of supplementary resources for poor or disabled students that public systems are required to supply.

School choice, social justice and students with disabilities

This section explores some of the issues with school choice raised in the previous section from the specific perspective of what these initiatives could mean for the equality of children with disabilities in special education. This group of students is particularly vulnerable to being discriminated against by choice schemes- particularly the more extreme ones. More extreme choice initiatives, like educational vouchers, operate under market mechanisms that stress organizational competition and lack accountability to public standards. This reliance on market mechanisms and lack of public accountability may cause choice initiatives to impair students from vulnerable groups' equal opportunities in education, and one group that may be affected in this manner is students' with disabilities (Berubé, 1995; Nussbaum, 2006). Choice schemes may continue the historical practice of limiting students' with disabilities' equal educational opportunities by discriminating against them or creating circumstances whereby they do not receive an adequate education. The paragraphs in this section outline some key threats that choice reforms could pose to students' with disabilities' educational equality. The purpose here is not to exhaustively discuss every potential threat that faces children with disabilities who participate in choice schemes, but to overview some of the key issues facing these students that relate to the egalitarian requirements of equal access, parental support, and an adequate education.

Access for students with disabilities

First, market motives to increase levels of efficiency could motivate choice schemes to exclude students with disabilities from some choice initiatives. Students with disabilities often do not have high academic averages, so choice initiatives that are under

pressure to attain high test score averages may find ways to exclude them. Research on charter schools largely supports this concern. Studies have found that these schools generally serve fewer students with disabilities in special education than regular public schools (Arsen, Plank, & Sykes, 1999; Howe & Welner, 2002; Zollers & Ramanathan, 1998). Zollers and Ramanathan's study revealed that some schools, while not giving parents an outright no, discouraged students with special needs from attending or counseled attending students out of the school.

Support for parent choosers

The barriers towards education that parents' poor choices could cause for their children are exacerbated in the case of students with disabilities, because of the demands on their parents to be experts on their children's disabilities in order to effectively choose a school for them. To successfully choose a school for these children, parents need to not only comprehend medical jargon on their children's disabilities, but be capable of communicating this knowledge to educational professionals, and also assess schools against the criteria of whether or not they have the appropriate resources to meet their child's particular needs. This scenario presents a number of challenges for parents whose children have disabilities and also favors higher-income parents with higher levels of education.

Students with disabilities and an adequate education

When considering the fulfillment of students with disabilities' educational opportunities to receive an adequate education, there are three major concerns: first, that schools will employ teachers who lack to qualifications to support children's with disabilities' education; second, that children with disabilities will be assessed with educational tools that do not measure their abilities effectively; and finally, that a lack of

appropriate resources at choice schools could negatively affect these children's educational opportunities.

The first worry concerning students with disabilities and choice schemes is that the schemes might employ instructors who are not qualified to teach students with disabilities (People for the American Way, 2004). It is crucial that these children receive instruction from teachers who are well educated professionals and have knowledge and expertise about how to support these students' educational development. As I wrote in the previous section, several of the more extreme market schemes, such as educational vouchers and charter schools, do not have to follow the hiring regulations that public schools must comply to. Choice schemes also have a motive to employ under-qualified teachers, as doing so will likely be less expensive since they can pay under-qualified teachers lower wages.

Another specific area of concern related to choice schemes and children with disabilities receiving an adequate education is how these children will be assessed. First, if choice schools focus on standardized tests, this can be of particular disadvantage to children with disabilities. Students with disabilities often have stronger intrinsic strengths, and standardized tests that emphasize instrumental benefits will not allow them to demonstrate these strengths. Further, children with disabilities may not respond well to standardized testing methods, as these forms of measurement are not sensitive to the manner in which they process and report information. Berubé (1995) provides a clear-cut example of this dilemma when he describes a testing measure that was incapable of helping his young son Jamie represent his abilities. Jamie, a three-year old boy with Down syndrome, is given a standardized test to measure his cognitive capacities. Four individuals administered the test, asking Jamie questions using methods of questioning that he had never been exposed to. Though Jamie responded correctly to more familiar methods of questioning, Berubé noted that "the test [was not] capturing- that is, wasn't

representing- a workable idea of Jamie's smarts” (p. 183-184). This standardized test was ineffective at letting Jamie represent his abilities. It was designed to measure a group of children, and its design did not take Jamie’s individual background or communication styles into account. The field of assessment is changing, but it is changing slowly, and unfortunately children with disabilities are often punished for this, by their not, as Berubé noted, being given the opportunity to have their abilities adequately assessed. This kind of ineffective standardized testing occurred in the public system, but it is likely that it will become even more common in private systems, where tests and test scores receive great emphasis because of their close connection with the concept of efficiency.

A final and crucial component of offering an adequate education for students with disabilities is providing these children with adequate resources to support their learning opportunities. One reservation concerning choice schemes is that they will not provide their students with sufficient educational resources. Their failure to do so could seriously impede students’ with disabilities opportunities to benefit from educational goods. For the most part, this reservation stems’ from extreme choice schemes’ lack of accountability to public standards regarding students with disabilities. Generally, the private schools that educational vouchers operate through do not have to comply to the majority of public disability laws. U.S. private schools do not have to comply with the majority of statutes laid out in the Individuals with Disabilities in Education Act of 2004 (IDEA), and as a result, students with disabilities who attend private schools do not have the right to receive the same level of educational resources as students with disabilities who attend public schools. Even though vouchers are publicly funded, students who participate in them have no more rights to IDEA than other private school students (U.S. Department of Education, 2001). This fact raises serious concerns that students with disabilities who participate in voucher initiatives will receive inadequate educational resources. From the perspective of educational equality, this lack of resources could

affect students obtaining instrumental and intrinsic benefits from their education (Brighouse, 2000). This, in turn, could affect their future opportunities to gain employment, develop a high self esteem, live independently, or live a more fulfilling life.

Summary

In summary, voucher program's emphasis on market accountability and lack of public accountability offer major challenges to these publicly-funded programs' ability to deliver their student participants an education that meets the requirements of equality. Voucher schemes have been built around a faith in efficiency's inherent value and in the ability of market accountability to deliver it. In the choice initiatives, however, it seems that many of the democratic tenets that have shaped our society's ideas about education have been left on the sidelines. And in the process, one thinks of the children who are also standing there- children who have participated in these programs or children who, for multiple reasons- such as their parents' inability to drive them to school everyday- have not. And also, we must ask what kind of equality children in voucher schemes have experienced. While it was not in the scope of this paper to conduct fieldwork, interviewing children and their families about their experiences, I have done a case study on how the policies that shape a voucher scheme designed specifically for students with disabilities support these students' equality. This educational voucher, called the McKay Scholarship Program, is explored in the following chapter.

Chapter 3

A case study of the McKay Scholarship Program

The purpose of this chapter is to analyze the McKay Scholarship Program against a framework of educational equality. After setting out the egalitarian prescripts for educational equality, the chapter then analyzes the McKay initiative against them, examining the particular ways in which considerations of equality come into conflict with considerations of efficiency in the voucher scheme in order to examine whether equality concerns are given their appropriate due in this context.

To carry out its analysis of the program, the chapter looks at federal and state policies and legislation, and to policy analyses and research that relate specifically to the McKay program or deal with the more general issues that arise when considering educational vouchers' and students with disabilities' equality. Beginning with an overview of educational accountability and efficiency reforms in Florida, the chapter then briefly describes the McKay program, and afterwards, sets out three criteria for educational equality. In its third section, it analyses the initiative, holding it up against these three criteria and exploring how its findings relate to the broader concepts of efficiency and equality.

Educational accountability in Florida

The variety of market reforms that Florida has implemented on its public education system in the last decade has led one commentator to call the state “the largest experiment in educational privatization in U.S. history” (Dorn, 2004, p. 59). These

efficiency reforms have served a number of purposes. Looking at them from the perspective of accountability, they can generally be divided into two categories. The first kind of reform is results-based, and aims to increase performance benchmarks in the public education system, while the second is a set of more extreme market initiatives, supporting students' transfer out of the public system into the private one via educational vouchers.

If one takes a bird's eye view of Florida's market-driven education reforms, the state is somewhat unique. First, it has a wide range of school choice initiatives. In the 2005-2006 school year, Florida's choice schemes included 333 charter schools that had a total enrolment of 92,000 students, home schooling programs that contained over 50,000 students, and three statewide voucher initiatives that enrolled a total of approximately 30,300 students (Florida Department of Education, 2006). The fact that all three voucher programs were statewide is rare, as most vouchers in the U.S. to date have been implemented in individual school districts (American Federation of Teachers, 2005). The Florida vouchers have also targeted different student populations. The Corporate Tax Credit is for students from low-income families. To obtain its funding, it gives businesses that allocate money to the program tax credits. The McKay Scholarship Program voucher is designed for students with disabilities and is described in detail in the next section. Finally, the Opportunity Scholarship voucher has been geared towards students who attend public schools that Florida's accountability system deems failing (Florida Department of Education).

The Opportunity Scholarship initiative is connected to the second aspect of Florida's accountability system that sets it apart. Here, the uniqueness stems from the state's directly linking its results-based accountability program with the market accountability of voucher schemes. Results-based education initiatives are generally associated with the public education system and a series of high-stakes tests that schools must participate in (Finn, 2002). Market accountability in education, as the last chapter outlined, is associated with private schools competing on the private marketplace. Because voucher initiatives transfer students out of public schools and fund their education in private schools, they are associated with market accountability (Gross Stein, 2001). To connect the two kinds of accountability, Florida first graded public schools through its results-based A+ Program. This program gave schools a grade largely based on their students' performance on the FCAT, a statewide standardized test (Dorn, 2004). Then, Florida implemented a policy whereby students who attended schools that had received failing grades on the A+ Program for two consecutive years were given the option of transferring out of their schools and into private schools through the Opportunity Scholarship voucher (Florida Department of Education, 2006). Commenting on this set-up, Finn noted: "Florida has devised a standards-based accountability system that uses exposure to the marketplace as the ultimate "consequence" that can befall a failing school. That makes Florida the only place in America that has purposefully sought to harness the two forms of accountability [results-based accountability and market accountability] in a comprehensive, statewide system" (p. 40). The notion of connecting these two kinds of accountability received support from Republicans across the U.S. As *The New York Times* observed, "Gov. Jeb Bush's educational program in Florida has been

held up as a model for its “combination of aggressive testing of schools' performance, backed by taxpayer-financed vouchers, which his brother President Bush is proposing for the nation as a whole” (Schemo, 2001 as cited in Camilli & Bulkley, 2001).

Despite the popularity of Jeb Bush's two-pronged accountability reforms amongst Republicans, the Opportunity Scholarship Program was recently shut down due to a Florida Supreme Court injunction (*Bush v. Holmes*, 2006). The ruling was centered on Florida's constitutional provision to support a public education system (Art. 1X, § 1(a), Fla. Const.). To fulfill this provision, the state should not divert money from the public system through voucher programs, which transfer money that would normally go towards public schools and divert it to private ones. At this point in time, the ruling has not affected either of the other two statewide Florida vouchers, which will continue to run in the 2006-2007 school year. Whether the ruling will affect the other two programs in the future is outside of this paper's scope to respond to, though there has been speculation that it may (People for the American Way, 2006).

The McKay Scholarship Program

Florida's McKay Scholarship Program is for students with disabilities and gives families of eligible children a voucher that can be used to pay for tuition and school fees at a private school of the family's choice. With its focus on students with disabilities, the voucher was the first of its kind in the U.S. Introduced as a pilot project in Sarasota County in 1999, the McKay initiative was implemented statewide in the 2000-2001 school year, with 970 students using its vouchers (Florida Department of Education, 2006). By the 2005-2006 school year the number of students had increased to 16,144 and

727 Florida private schools participated in the program (Florida Department of Education).

How are the McKay vouchers calculated and distributed? If approved for a McKay voucher, the child's school district forwards the Florida Department of Education the child's matrix. Each child that receives IDEA (2004) in Florida schools has a funding matrix that has been calculated according to their disability, what resources they require, and the costs of these resources. Because of this system of attaching funding to individual students, it is relatively easy to transfer funding if a student changes schools in the state (Rotherham & Mead, 2003). Once the Florida Department of Education receives a student's funding matrix, they add this cost to the per pupil cost of student fees in Florida public schools. The government then considers this amount against the amount of the chosen private school's school fees and tuition costs. The scholarships students receive cannot be for more money than the private school fees and tuition. Therefore, if the school costs are lower than the state's matrix/per pupil sum, then the state will only cover the school costs. However, if the private school's tuition costs and school fees are higher than the per pupil/matrix sum, the state will only cover this sum, and will expect the child's family to pay for the remainder of the private school fees (Educational Choice, 2005). In other words, the state covers only tuition costs and not additional fees that are charged by private schools. In deciding how much money a child should receive, the state does not factor in a child's transportation to and from school, because parents are responsible for this. After tabulating the voucher sum, the Department of Education sends parents a check for this amount, and parents then write a check of equal value to the private school.

To be eligible for the program, students must be in grades K-12 and have been attending a public school in Florida for at least one year. Further, they must already have been assessed as disabled under the IDEA of 2004 and have an Individual Education Plan (IEP) (Educational Choice, 2005). Before applying for a McKay voucher, a child must already be accepted into a private school that has been deemed eligible for the program.

Private schools that wish to participate in the McKay scheme must adhere to certain requirements. The schools must demonstrate fiscal soundness, follow health and safety code regulations, and employ teachers with bachelor degrees or at least three years of teaching experience (Educational Choice, 2005). They must also abide by the anti-discrimination law that requires federally-assisted programs not to discriminate against students on the basis of color, race, or national origin (U.S.C., 2000). Program eligibility does not require private schools to participate in the Florida accountability system, though parents may request that their child be take part in statewide tests (Educational Choice).

Three criteria for educational equality

As I have argued in the two previous chapters, educational vouchers that are funded by public monies are public goods and as such, must fulfill democratic commitments to equality. Genuinely democratic societies must offer equality of rights and opportunities to their members, and a crucial aspect of meeting this commitment is to ensure that institutions that deliver public goods do so in a manner that is equitable. Publicly-funded vouchers are part of the private education system, but, as institutions that are funded by public monies for the purpose of delivering a public good, voucher programs should be

expected to fulfill the same egalitarian requirements that public schools are expected to adhere to. In particular, it is the responsibility of the state, as the distributor of public monies, to set up public accountability mechanisms in the form of laws, policies, and other monitoring systems, that ensure that voucher programs are fulfilling their egalitarian requirements.

The three criteria for equality that the chapter evaluates the McKay initiative against are largely based on Brighthouse's (2000) premises, which I outlined earlier. Before analyzing the McKay Scholarship voucher scheme against these three criteria, I briefly review them, focusing on how they relate to the rights of students with disabilities.

First, children's access to schools should not be dependent on their backgrounds (Brighthouse, 2000). In the case of students with disabilities, these students should have roughly the same access to schools as their non-disabled peers, and not be excluded from schools on grounds that are morally arbitrary. In most cases, students should not be excluded from schools because of their level of ability, and if in rare circumstances, they are, it should be for a just cause. An example of this could be a student with severe learning disabilities not being admitted to a high school with an accelerated academic curriculum for the reason that admitting this student would not support his educational opportunities and because the challenges this program might present to this student could disservice the learning of other students in the program.

The second criterion for educational equality specifically relates to choice schemes and stems from Brighthouse's (2000) statement that "the quality of a child's education should not reflect the quality of her parents' ability to choose schools or classes

for her” (p. 113). Unfortunately, as of yet, no solution has been put forth that adequately addresses this issue. As Brighthouse comments, this issue is perhaps the most difficult practical problem that choice schemes currently face (116), since parents who make poor choices of schools can negatively impact their child’s educational opportunities. As Chapter 2 outlined, however, choice schemes are based on the idea of providing parents with choice, and on parents’ power as consumers of schools (Friedman, 1962; Manno, 2003). Based on these beliefs and also frequently possessing less public accountability than public schools, it has been difficult for choice schemes to set up the controls over parents choices’ that meet Brighthouse’s requirement. I have no solution as to how choice schemes can adequately address the issue of poor parent choosers, and recognize that this is a serious problem that has been largely ignored in the implementation of choice schemes. I do believe, however, that choice initiatives can and should come closer to meeting this requirement by offering parents guidance as they are going through the process of selecting schools for their children. This support should include providing extensive information to parents about schools of choice and also counseling them about their decisions. While these actions do not provide adequate solutions towards parents poor choices being dealt with, choice schemes should engage in these practices while policy makers and education scholars continue to strategize how choice schools can more fully meet this egalitarian requirement.

The final criterion for equality is that children receive an adequate education, which this paper defines as an education that provides children with sufficient educational benefits. On a broad level, accomplishing this goal means providing children with educational benefits that will enable them to lead fulfilling lives and have roughly

equal opportunities to their non-disabled peers when they enter the job market. While the fulfillment of this goal may ultimately not be possible for all children with disabilities to realize, it should be viewed as an ideal that education systems should continuously strive to meet.

To fulfill the adequate education requirement, schools must meet four key commitments in terms of how they educate children with disabilities. First, they must support a curriculum that fosters both intrinsic and instrumental skill development. Promoting the growth of students' intrinsic skills, particularly their social skills, will support a well-rounded, inclusive school culture and give students opportunities to excel not only in academics but only in a school's community life. Second, schools must utilize assessment practices that effectively measure students' with disabilities development of educational abilities. Being adequately assessed is crucial in order for students to receive appropriate instruction. Further, having their learning effectively evaluated can empower students with disabilities, giving them confidence in their own capacity for learning and development. Traditional assessment measures such as standardized tests have often failed to allow children with disabilities to represent their knowledge and intelligence. Third, schools must employ qualified teachers who have state-recognized credentials and experience. These qualifications can be especially important in the case of children with disabilities, as teachers who work with these individuals in general classrooms should have knowledge and experience in promoting inclusive classroom practices and also in ensuring that children with disabilities receive appropriate support in their learning process. Finally, students with disabilities must be provided with sufficient educational resources. At times, some of these students may be given more resources than their non-

disabled peers, if this is thought to be helpful to their development of educational benefits (Berubé, 1995; Brighthouse, 2000). In order to reach certain education-based competencies, such as the ability to read, analyze, problem solve, or engage in discussion, children with disabilities often require more resources than non-disabled students. Providing extra resources for them can help to level out the inequality of educational outcomes that often arises between disabled and non-disabled students. For example, access to computer software designed for children with dyslexia could improve a child's literacy skills and help her read at a level that is appropriate to her age group. In these situations, educational resources aim to even out differences in level of ability and provide children with equal educational opportunities.

The McKay initiative and equality

This section evaluates the McKay Scholarship Program in terms of what kind of equality it offers students and analyzes how this equality relates to the initiative's basis in market efficiency. It examines the program based on the three components of educational equality discussed in the second section: student access, support for families in choosing schools, and schools providing students with an adequate education. The analysis highlights some of the conflicts between efficiency and equality that exist in this initiative, and also looks at how these conflicts are connected to the McKay voucher's reliance on market accountability mechanisms.

In evaluating the McKay program's equality, the paper will frequently refer to the IDEA of 2004. This act is undoubtedly the most influential special education law in the U.S., and has major ramifications for students with disabilities. First legislated as the Education for All Handicapped Children Act of 1975, IDEA's main objective is to hold

the states accountable for providing a free appropriate public education (FAPE) to students with disabilities. While the act has now been revised three times, its key principles remain intact. Among other things, the IDEA protects children from being excluded from schools and general classrooms, promotes parent-school staff communication, ensures that each child receives an individual education plan (IEP) that is tailored to their needs, and grants parents due process (IDEA, 2004).

McKay students only have limited rights to IDEA (2004). In the act, students with disabilities are placed in one of three general categories: students who attend public schools; students who have been placed in private schools because the public schools in their district could not effectively serve their special needs; and students who have been placed in private schools voluntarily (IDEA of 2004). Despite the fact that the McKay program is funded by public monies, McKay students are regarded as voluntarily placed private school students under IDEA. The U.S. Department of Education's official position is that when: "...[McKay students'] parents elect to place them in private schools through the Scholarship Program, ...such children are considered "private school children with disabilities" enrolled by their parents. Under IDEA, such parentally placed private school students with disabilities have no individual entitlement to a free appropriate public education including special education and related services in connection with those placements" (U.S. Department of Education, 2001). As the letter indicates, this categorization of the McKay students substantially affects their rights to IDEA and as the following section will reveal, significantly affects the level of equality they are eligible to receive in this voucher program.

Access in the McKay Scholarship Program

Children with disabilities have often been unnecessarily excluded from schools and general classrooms (Berubé, 1995; Corbett & Slee, 2000), and concerns have emerged that students who participate in the McKay initiative could be exposed to these exclusive practices. From the perspective of educational equality, there are worries that:

- 1) McKay students will be barred from private schools for morally arbitrary reasons; 2) Students with severe disabilities will have less access to the McKay program than students with milder disabilities for the same (morally arbitrary) reasons; and 3) That McKay voucher students may be segregated into separate classrooms. This last act would again violate the injunction against inequality for morally arbitrary reasons, but delay the inequality to a later stage in the students' education because it would only affect them once they had been admitted to schools. The following paragraphs examine these concerns in light of the policies, legislation, and research related to this voucher scheme.

One component of equality for students with disabilities is that they not be rejected from educational programs for reasons that are morally arbitrary. The only anti-discrimination statute that McKay schools must comply with is Article 42, a law under which federally-funded programs may not reject students on the basis of national origin, race, or color (U.S.C., 2000). McKay schools' legal obligations not to discriminate against students are therefore very limited, especially when one considers how, under this law, private schools that participate in the McKay scheme can freely reject applicants on the basis of their ability, religion, or gender. Legal scholars had speculated that the McKay initiative would also have to comply to the non-discriminatory requirements in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) (Rothstein, 1999). Both pieces of legislation are civil rights statutes and their

purpose is to support equal access and opportunity. However, the U.S. Department of Education (2001) has stated that these acts are not applicable to the McKay initiative. As a publicly-funded reform intended to deliver the public good of education, the McKay program permits its participating schools to discriminate against the very individuals the program was designed for: children with disabilities. This situation is paradoxical; the McKay program purportedly delivers a public good, but by permitting discriminatory, immoral admittance practices, distributes this good in a manner that contradicts the definition of 'public.' A public good is accessible to all members of society, not just to those individuals that organizations who distribute it deem to be 'a good fit.'

Another concern connected to students being refused access to an education for immoral reasons relates to whether or not they have the right to be included in general classrooms. Under IDEA's (2004) Least Restrictive Environment clause (LRE), children with disabilities have the right to be educated in general classrooms to the "extent possible." This means that they should only be removed from general classes when, despite supplementary resources, they are still not obtaining an adequate within them. However, under the McKay students' current categorization as voluntarily placed private school students, they do not have the right to LRE. As a result, McKay private schools could potentially segregate students with disabilities into separate classrooms.

If a McKay school segregated students with disabilities, excluding them from general classrooms, the basis of their doing so would likely have no basis in morality but instead relate to market motives. Here, the pursuit of educational equality would be replaced with market incentives to meet efficiency benchmarks. For example, for-profit private schools' desire to remain competitive on the educational marketplace gives them

incentives to please parent customers. This incentive may cause certain schools to segregate students with disabilities together in order to please parents of non-disabled students, who might be concerned that including children with disabilities in their child's classroom would slow down their own child's educational "progress." A second market motive McKay schools may have to segregate students with disabilities in separate classrooms is related to another efficiency benchmark: lowering educational costs. As Rotherham and Mead (2003) aptly note, it would be in the financial interests of private schools to educate students with disabilities in one single classroom, as doing so would likely require less educational resources than including them in a range of general classrooms, and therefore be cheaper for the schools.

For an educational system to provide children with disabilities with equal opportunities, excluding students from general classrooms for reasons with no moral basis is impermissible. These acts of exclusion could negatively impact the children with disabilities who are being segregated, non-disabled students who are educated separately from their disabled peers, and the school community as a whole. Both disabled and non-disabled children will have fewer opportunities to learn about one another, and their development of values like tolerance, empathy, and respect for diversity could be impaired by these circumstances.

A third concern that relates to children with disabilities being excluded from the McKay Program for morally arbitrary reasons is connected to the program's funding. Essentially, the worry is that children with severe disabilities will have less access to the program than children with milder disabilities. The reasons behind this concern are twofold. First, because private school costs for children with disabilities are often very

high, many parents will likely not be able to afford to pay for fees that the government does not cover (Rotherham & Mead, 2003). In this scenario, the children with severe disabilities whose parents could afford to pay top-up private school fees would have better access to the program's schools than children whose families could not afford to pay these fees. Second, certain private schools that participate in the program may reject applications of student with severe disabilities, claiming that they lack the educational resources to support these students. I overview this in more detail later on in the chapter, but for now will note that Florida private schools (including McKay schools) are not accountable for providing the same levels of special education resources as Florida public schools. Overall, these schools are only required by the state to provide their special education students with very limited resources. Considering this lack of accountability to abide by public standards for special education, it would not be surprising if a number of McKay schools had fewer special education resources for students with disabilities than regular public schools. While certain McKay schools might have sufficient resources to educate a child with a mild disability, several would likely lack the resources required to support the education of students with severe disabilities, and may also not have a vested interest in acquiring the resources that would enable them to educate these students. If presented with an application of a student with severe disabilities, these schools could easily reject this student on the grounds that they did not have adequate resources to support their educational needs. While no specific research has been done on whether or not some McKay schools have discriminated against student applicants with severe disabilities, McKay school demographics reveal that in the 2001-2002 school year, the number of students with milder disabilities at McKay schools was disproportionately

high compared with the number of students with milder disabilities at Florida public schools (Rotherham & Mead, 2003). Analyzing the data from Florida, Rotherham & Mead note, that “the Florida program serves students who require less intensive services” (p. 4).

Throughout the majority of this section, the tensions between efficiency and equality that have come to light mostly relate to the cost of educating children with disabilities. Efficiency in education is not only connected to producing students with high test scores, but also to educating students that achieve highly at a low cost to the state. Unfettered by the majority of anti-discrimination laws that public schools most adhere to and often driven by a for-profit motive, it is likely that the private schools that participate in the McKay initiative will treat some of the students that participate in the program inequitably, denying them access to either the schools themselves or to general classrooms in these schools on reasons that lack a moral ground.

Adequate support for parents and the McKay Scholarship Program

Educational equality is also related to parents who want to enroll their children in choice initiatives receiving guidance and support as they go about the process of choosing a school for their child. Being enrolled in an appropriate school will greatly enable a child’s educational opportunities, as it will support both their development of extrinsic and intrinsic benefits. In the case of children with disabilities, the appropriateness of parents’ school choices is particularly significant, as these children often require more resources than non-disabled students. Added to this, because private choice programs often lack accountability to public standards, there can be great variability in the level of educational resources a private school provides for its special

education students. If parents were to choose a school that provided their child with inadequate resources, they would run the risk of negatively impacting their child's educational opportunities. In arguing that parents should receive adequate support from the education system as they go about the process of choosing a school, I am not arguing that, in doing this, education systems will prevent all parents from making poor choices. Contrary to this, I recognize that some parents, even with support from the state, will indeed make poor choices. I also realize that this is a serious problem that choice schemes face, and believe that more thought needs to be given to this subject and on preventative measures for poor parent choices in the near future. While unable to offer a definitive solution to this practical problem, I hold that providing parents with support and information will insulate some children from being enrolled in inappropriate choice initiatives. Offering parents support and information is therefore an important preventative measure for choice schemes, and should receive the full support of the state in being effectively implemented.

In a survey of special education parents in the U.S. 70% of respondents felt that too many children with disabilities 'lose out' because their parents are unaware of what services their children 'need or deserve' (Public Agenda, 2002, cited in Rotherham & Mead, 2003). There is a definite concern that this kind of 'losing out' will be exacerbated in programs like the McKay voucher, where special education parents who wish to choose an effective school for their child need to fully understand their child's disability, including the medical/special education jargon that relates to it, and then use this knowledge to select a school for their child in a private system where many of the schools only offer a limited range of special educational services.

Because of the challenges presented by this scenario, it is essential that McKay parents receive adequate and accessible information about schools participating in the program and support from the state as they go about the choosing process (Sailor & Stowe, 2003). At this point in time, the Florida Department of Education's (2006) main resource for parents consists of a website that contains sparse information on schools and a statement from the Department that it will not verify whether the information that it provides on this website is accurate. The directory is organized in a table format and, for the most part, uses one-word assessments to describe private schools under five categories. The categories for participating schools indicate: 1) Whether they are religious; 2) Their grade levels; 3) The gender of their student populations (e.g. co-educational); 4) Whether they are military; and 5) Whether they are day schools. The website is also only available in English, which is unfortunate to Florida's large population of Spanish-speaking students and their families (Florida Census, 2000). Further, is not Bobby-compliant. Bobby is a free windows-based tool that analyzes web pages to ensure that they are accessible to this population. The fact that this website is not compliant to this kind of software makes it less accessible for individuals with disabilities. Commenting on the overall resources provided for parents who are choosing McKay schools, Sailor and Stowe comment that, "it is unlikely that [parents] will be able to make an informed decision about participating in the voucher program or selecting a good school based on such sparse information" (p. 35). Excepting the directory of private schools, the Florida Department of Education does not offer any other support that will enable parents to choose schools effectively. There is no system whereby county school districts or other government-funded bodies counsel parents who are in the process of

choosing a school for their child about their options or what schools would be able to effectively serve their child's needs.

Considering the philosophy of school choice, the McKay Program's insufficient support for parents is not particularly surprising. Market accountability, after all, is based on a faith that parents will be successful consumers of schools, and choose schools that will most effectively serve their child's needs (Brighthouse, 2000). In the framework for school choice set up by Friedman (1962), educational efficiency is propelled by parents' efficiency at choosing a school for their child. However, if parents do not choose efficiently, this theory becomes unviable, and children's equality can be seriously compromised in the process. Placed in poorly chosen schools, students' educational opportunities can be severely limited and, in the case of students with disabilities, this situation can become even more serious, since poorly chosen schools can lack resources and, as a result, seriously compromise these children's educational development. Helping parents make effective decisions on behalf of their child's school is an issue that needs to be addressed in voucher programs such as the McKay.

An adequate education for McKay students

A primary tenet of educational equality is that students receive an adequate education, which is defined in this paper as an education that provides students with both instrumental and intrinsic educational benefits, thereby enabling their opportunities for individual growth and future employment (Brighthouse, 2000). In analyzing the adequacy of the education the McKay program provides for its students, this paper comes from the perspective that, as a publicly-funded program, the adequacy of the McKay scheme offers

to its students should be at roughly the same level as the adequacy of the education offered to students who attend regular public schools. This paper has set out four main criteria for schools to fulfill in regards to providing their students with an adequate education. These criteria are not exhaustive, but aim to set out some of the key standards schools should be expected to fulfill in order to be deemed adequate. In the future, this list will likely become more extensive, but at present, it provides a guideline on how to examine school's design from the perspective of equality. The first criteria is that schools support curriculums that develop children's instrumental and intrinsic abilities; the second, that schools employ effective assessment practices; the third, that they hire qualified teachers; and the fourth, that schools provide their students with sufficient educational resources. The paragraphs below analyze the McKay program's fulfillment of these criteria.

Evaluating the McKay program against the first and second criteria is a challenging task, because the McKay schools are neither required to report their curriculums or their assessment practices to the public (Educational Choice, 2005). In regards to the first criterion, it is troubling that McKay schools are exempt from reporting their curriculums to the public. Because no accountability mechanisms are in place to ensure that the McKay schools' adequately develop students' instrumental and intrinsic skills, it is very possible that many of the schools do not do so. As a result, it is likely that some of the children who participate in the McKay voucher are not receiving an education that is sufficiently developing their abilities. This situation could dramatically affect these students' educational opportunities, diminishing their future opportunities for post secondary education and satisfying employment.

In terms of the second criterion, the McKay schools are not only exempt from reporting results of their assessment practices to the public, but are also not required to participate in Florida's state-wide standardized tests. Because these schools are exempt from participating in these tests, they do not suffer the consequences that Florida's other publicly-funded education programs do (Educational Choice, 2005). The result of this situation is ironic- the state of Florida has introduced market reforms on the premise that they will be arbiters of efficiency, but its most extreme market initiative- educational vouchers- is not required to participate in its high-stakes testing initiatives, initiatives that are meant to both measure and promote one of efficiency's benchmarks: test scores. In other words, Florida's government supports an education system where the most extreme market reform is exempt from fulfilling one of the provisions of market efficiency: high results on standardized tests. Market advocates could respond to this observation by claiming that, in the case of vouchers, the pressure that parent customers can exert on schools can take the place of the state's monitoring initiatives. However, another take on the situation would be to call it one where the state is not taking sufficient responsibility for measuring the performance of the schools that it funds, but is instead using market ideas to transfer its traditional monitoring responsibilities to parents.

While the capacity that Florida's current public accountability program has for adequately measuring students' learning and supporting schools' success is questionable, it is still problematic that its educational vouchers are not required to participate in this program. Most likely the state's results-based program is in need of reform, but this does not change the fact that public accountability mechanisms that measure schools' performance and students' learning are integral to supporting students' education. In

putting schools in charge of distributing the public good of education, the state must monitor them to ensure that they are fulfilling their mandate. An important component of monitoring schools is looking at their students' performance. The narrowness of standardized tests at measuring performance should draw attention to the need for reform in this area, but not take away from the notion that monitoring students' performance is one of the governments' responsibilities. In this respect, the McKay program's exemption from participation in Florida's statewide public accountability program is unacceptable from the perspective of equality. It supports a system where students' learning is not measured by the state, and in doing so, creates a situation where the state has no responsibility for learning about students' learning, and their development of intrinsic and instrumental benefits. In this sense, students who participate in this program fall out of the state's radar- once in the McKay initiative, the state has little or no responsibility for either monitoring their educational development or doing anything to ameliorate situations where this development could be improved. This state of affairs could seriously limit these children's educational opportunities.

The third criterion for education systems to fulfill in order to offer children an adequate education is to only employ qualified teachers. The McKay program also falls short in terms of this requirement. Teachers who are employed at McKay schools do not have to possess a teaching degree, or have specialized training in working with individuals with special needs (Educational Choice, 2005). This is a serious problem, since unqualified teachers are less likely to deliver effective educational instruction. In the case of children with disabilities, this could be even more serious, as teachers may not have know-how on how to foster inclusive classroom communities, awareness of

pedagogy for children with particular kinds of disabilities, or knowledge of how educational resources can be employed to support these children's learning. Further, unqualified teachers will likely lack awareness of non-traditional assessment practices (e.g. educational portfolios) that support children with disabilities' in their goal to represent their learning. Teachers who are unaware of these alternative methods will probably assess students with disabilities with tests, and in many cases, these tests could limit children with disabilities being about to show their learning, and diminish these students confidence in their development of educational abilities.

The final issue concerning an adequate education and the McKay program is student resources. Examining the resources this program provides to its students is challenging, because the private schools that participate in it are not obligated to provide information on what kind of resources they offer McKay students (Rotherham & Mead, 2003). However, there is information on what legal obligations schools that participate in the initiative have for providing resources to the McKay students, and the following paragraphs will outline and evaluate this. Because McKay students are considered voluntarily placed private school students (U.S. Department of Education, 2001), the resources they have the right to receive under IDEA (2004) are severely limited. Under the IDEA, McKay students have the right to Child-Find, a clause that states that they can have their disabilities identified and evaluated. Along with this, the local education agency (LEA) in the student's area is supposed to plan an educational program for them. The kind of program that is organized depends on the child's needs and the amount of funding the private school or LEA receives to provide this service. Funding for the program is provided by a proportion of federal funds that is calculated according to how

many children with special needs are attending private schools in the LEA's district. This federal funding can be supplemented by state or local funding, but how much of this funding is available, if any is available at all, depends on the state and school district the private school is located in. Because of this, the funding for children with disabilities who attend private schools varies greatly (IDEA of 2004).

Compared with the McKay students, public school students with disabilities receive much more extensive resources under IDEA. One of these resources includes their right to an Individualized Education Program (IEP). Drawn up by the child's parents, teachers and school personnel, the IEP outlines how a child will receive a free and appropriate education and how this education will tailor to their strengths and needs (IDEA of 2004). Along with describing the child's planned curriculum, the IEP must specify what particular services the child will obtain and how the child's disability affects her progress and involvement in the general education curriculum. It must also include students' current academic and functional performance levels, goals for the child that will be measured annually, and a description of the special education and related services the child is currently receiving.

Held up against the same standard of equality as public schools, the McKay program cannot promise the students with disabilities that participate in it the same level of resources as students receive in public schools under IDEA. The fact that it is a publicly-funded initiative makes the limited resources it offers participating students even more problematic. Voucher advocates have tried to counter this argument about the McKay's lack of accountability to IDEA, arguing that McKay parents can use the program's market accountability to improve the level of resources their child will receive.

As for-profit businesses, private schools rely on the tuition money brought in through students' enrolment. By threatening to take their tuition money elsewhere, McKay parents can increase the special educational resources their child will receive at their private school. This argument, however, is problematic on two counts. First, it favors middle class educated parents that have the savvy to effectively negotiate with private schools. Second, it assumes that parents will put the services their child will receive first when choosing a school. Parents may instead choose a school based its convenient location or its student population.

In considering the McKay program in light of its special educational services for participating students, the perspectives of efficiency and equality are largely at odds. Politicians and market advocates have heralded the McKay for its "cost effectiveness," going so far as to suggest that this kind of a program be implemented on a national level (Kafer, 2003). Support for special educational vouchers has largely stemmed from the reasoning that, "Vouchers could limit how much taxpayers must pay to educate the disabled and begin a movement of cost containment" (Fox, 1999). It is likely true that the McKay students' education costs the government less money than it would if the same students attended public schools. In the 2002-2003 school year, the median scholarship amount for McKay students was 6,808, slightly above the average per pupil spending for all Florida public school students, which was 6,512 (Salisbury, 2003). This median sum was also well below the average costs public schools allot to students with disabilities (Rotherham & Mead, 2003). The McKay program is usually cheaper for the government to run than special education in public schools for two main reasons. One reason lies in the program's funding system. If private school tuition costs are lower than the money

the government would have regularly provided for a particular student (the matrix and per pupil sum), the government will only write a voucher for the school's tuition cost. In this scenario, the government saves money on the difference between the per pupil/matrix sum it would have paid if the child had remained in the public system and the less expensive private school tuition. Second, since IDEA does not require private schools to provide a high level of educational resources to McKay students, as a result, McKay schools can charge these students lower tuition rates. As a result, the government will often not have to allot as much money to the education of children at these private schools as it would have had they remained in the public system.

The fact that the McKay is 'cost effective,' however, should be seriously questioned and evaluated against a framework of equality. As Gross Stein (2001) has argued, when discussing efficiency and public goods, we must always ask, "Efficient at what? Efficient for what purpose?" (p. 11) To expand on the latter question, we need to ask whether, in pursuing the goal of cost effectiveness, some purposes are ignored, lost, or undermined. If these 'ignored' purposes entail significant costs (e.g. costs to equality), then efficiency must be challenged on these grounds. In regards to the McKay program, the cost of efficiency is paid for by children with disabilities who have the right to receive substantially less resources in the program than they would have in regular public school.

Summary

This chapter has illustrated some of the ethical issues in the design of the McKay Scholarship Program and pointed out how they might compromise the equality of children with disabilities who participate in the program. These ethical problems largely stem from the McKay program's lack of public accountability and its dependency on

market accountability mechanisms. First, private schools that participate in the program may indirectly or directly discriminate against students who apply to be admitted.

Moreover, the state of Florida does not have an adequate system of communicating information about the program to parents, who are expected to carry out research on private schools independent of support from the state or detailed information on the private schools they are interested in applying to. Finally, the McKay program has only a limited responsibility to IDEA, which means that children in this program have fewer rights to receive educational resources than they would have had they remained in the public system.

If the McKay Program is problematic from the perspective of equality, and this leads to questions about why parents would have chosen it for their children. One reason might be because of their dissatisfaction with special education and or public accountability in education in general (Rotherham and Mead, 2003). This suggestion is backed-up by the fact that even parents who have had to remove their children from certain private schools have usually chosen to transfer them into other private schools instead of returning them to the public system (Rotherham and Mead). These actions signal that these parents' of students with disabilities are feeling high levels of dissatisfaction with Florida's public school system, and public accountability is likely related to this. One wonders if they would have chosen the voucher option for their children if their children had received a free and appropriate education (FAPE) at their previous schools, or if their children had been valued as respected members of their school communities. While insufficient public accountability mechanisms are likely only one of the reasons these children were transferred into the McKay Program, one of the

ways we can help ensure that children and their parents are served more effectively within the school system is to improve these public organizations. From the perspective of equality, this kind of a voucher program is simply not an option for students with disabilities. Having decided this, I now revisit public accountability mechanisms, imagining how they could be enriched so they could better serve students with disabilities in the public system, and helping to prevent their exit from the public system to face the barren market accountability of voucher programs.

Chapter 4

Conclusion

This chapter summarizes the key findings of Chapter Three's case study and highlights the ways in which these findings relate to the concepts of efficiency and equality. It also addresses the question of whether it is possible to design and administer educational voucher schemes that fulfill the requirements of equality for students with disabilities in special education. I conclude the paper by revisiting my earlier argument regarding the integral role egalitarian values should play in the design and running of institutions that deliver public goods.

The McKay initiative re-visited: Key conflicts between equality and efficiency

Largely based on the notion of efficiency, voucher schemes are designed around market mechanisms, positioning this form of accountability as the concept's ultimate arbiter. In the private educational marketplace that children exit into via voucher programs, schools operate according to a model of market accountability, competing against each other in the manner of businesses to gain the tuition fees that students' families pay upon enrolment. Largely responsible to this private marketplace, voucher programs in the U.S. have an extremely limited degree of public accountability, and are usually exempt from participating in large-scale assessments, submitting to auditing by the government, or following the majority of the civil rights laws that public schools must adhere to (IDEA, 2004; U.S.C. 2000; Sailor & Stowe, 2003).

With questions about the equality of an educational program based on market, not public, accountability, I conducted a case study of the McKay Scholarship voucher

scheme, which was an initiative designed for students with disabilities. After analyzing its design, I found that the program, overall, could not promise the children who participated in it a sufficient level of equality and that its emphasis on market efficiency often came into direct conflict with its meeting the requirements of equality. The following paragraph summarizes the main findings of this analysis.

The first criteria set out that children with disabilities should not be excluded from schools for reasons that are morally arbitrary. In my research on the policies guiding the McKay voucher scheme, I found that the private schools that participated in the program were able to exclude children with disabilities from their schools on the basis of these children's disability and that their reasons for doing so did not have to be moral. For example, a McKay private school could reject a student applicant on the grounds that this student would not fit into the school's culture (Article 42, U.S.C.). Along with this, applicants to the program could also be rejected by participating schools on the basis of their gender, language, or religious affiliation. A third issue inhibiting students' equal access in the McKay program lay not in being admitted to the program itself but in being admitted to general classrooms. While public schools are under formal obligation by IDEA (2004) to include students with disabilities in general classrooms, McKay schools are not, and as a result, can segregate students with disabilities into a separate classroom. In the past, students with disabilities have frequently been segregated from their non-disabled peers in this manner, and these acts of separation have often severely limited their opportunities to grow socially and emotionally, and to feel a sense of active belonging to their school communities.

The lack of equal access policies for McKay program applicants or for students who were already in the program indicates the voucher scheme's market basis and how this market basis conflicts with the principles of equality. In terms of its market efficiency, the McKay's lack of accountability to public standards can help its schools achieve market efficiency goals. In comparison to public schools, the McKay schools are less fettered by public regulations and these limited public obligations can make it easier for them to serve their customers' needs. For example, some parents may have demands that students with severe disabilities be excluded from their children's private schools, or that students' with disabilities be segregated into a single class. Because of their autonomy from IDEA's (2004) accessibility mandates, the schools can cater to these parent customer's needs, and by pleasing these customers, remain competitive in the private educational marketplace. Moreover, their lack of accountability to accessibility laws can also benefit the school's goals of economic efficiency. By excluding students with severe disabilities from their programs, the schools may save themselves costs in not having to purchase expensive educational resources that these students would need. Along with this, schools' ability to segregate students with disabilities into a single classroom could save them money, as this would enable these schools to confine the costs of providing supplementary resources to children with disabilities to a single classroom (Rotherham & Mead, 2003).

There are serious equality issues connected with both the market efficiency motive to remain competitive by pleasing customers and to maximize profit by operating at the lowest possible cost. While neither market incentive is inequitable in and of itself, they both present ethical threats when their attainment is given precedence over an

organization's meeting its commitments to equality, particularly if the organization in question is one that distributes public goods. In terms of student access, the manner in which the McKay scheme has been designed enables its participating private schools to elevate these market motives and do so at the detriment of egalitarian standards. In terms of supporting equality of access for students with disabilities, the program's main downfall is its lack of obligation to abide by public accountability standards for students with disabilities that aim to support their equal of opportunities, such as the IDEA (2004).

In terms of the second criteria education, which holds that children's parents be given sufficient school information and support as they undertake the process of school selection, I found McKay program's infrastructure to be inadequate in its role to provide information for and support parent choosers. To summarize my analysis briefly, the initiative provides parents with extremely limited information regarding the schools that participate in the program (Florida Department of Education, 2005). The information provided is given via the internet, which some families likely do not have access to, and is also not compliant with software designed for individuals with developmental disabilities (Sailor & Stowe, 2003). One outcome of this lack of software is that parents with disabilities or children with disabilities who want to take an active role in learning about the different schools available through the internet will not have technological support in accessing this information. Finally, parents receive little to no support in the form of counseling or advising. The lack of information, the inaccessibility of this information to individuals with disabilities, compiled with the non-existent counseling services for parent choosers, means that the program offers an extremely weak support for parent choosers. While more effective guidance for parent choosers would not

insulate all children from their parents' poor choices, it is certainly probable that a choice initiative that offers parents detailed information on different schools and support for choosing from amongst these choices will more greatly insulate children from poor choices. In its current state, the McKay initiative offers little insulation for children, and in doing so, is not making a great enough effort to support these children's educational opportunities, since a child's educational opportunities can be greatly affected by the appropriateness of the school they attend. The importance of children attending appropriate schools is even more marked in the case of students with disabilities. These children often require supplementary educational resources and not all schools may offer these resources, particularly private schools such as the ones that participate in the McKay. In this situation, it becomes all the more important to ensure that parents are informed about the resources offered at particular schools, and about whether or not these resources would adequately support their child's learning.

The program's market efficiency basis is also evident when we consider the limited informational resources or supports it provides for parent choosers. Here, the emphasis is still on the customer, but concentrates on a different aspect of consumerism: a customer's responsibility to choose a product wisely. In the McKay program's lack of support for parent choosers, we see this assumption. As market advocate Manno (2004) advised- parents who use choice schemes need to be good shoppers. If not, they will get the wrong product, and the implication of this is that, if they do so, it is their fault. There are critical ethical downfalls with this frame of thinking. First, placing almost all of the responsibility of choosing an appropriate school for a child on their parents takes responsibility away from the state to ensure that it offers parents school information and

support during the choosing process. From a market efficiency perspective, providing little information about schools of choice could save the state money, but from the perspective of equality, this could seriously compromise children's educational opportunities. On a different note, positioning parents as 'expert choosers' overestimates many parents' ability to choose successfully. This faith in parents, as I pointed out in Chapter Three, is a misconstrued belief that is connected with the faith that market advocates place on people's abilities to be successful consumers of public goods (Friedman, 1962; Manno). Instead of automatically assuming that parents will choose successfully, choice programs should do their utmost to provide guidance to parent choosers. If they do not, the programs will not make a positive contribution towards insulating children from parents' poor choices, and in the end, their lack of effort in this area will likely result in greater numbers of children being placed in inappropriate schools. Poor choices could be extremely detrimental to children's educational opportunities, and in the case of children with disabilities, this could be even more serious, as the end result of a poor placement could mean that a child does not receive adequate supports for a particular disability.

The third egalitarian criterion that the McKay was evaluated against was based on how adequately its design promoted children's opportunities to receive an adequate education. This ability of the program's schools to sufficiently promote children's development of educational benefits was evaluated against three key measures: their assessment practices, their employment of qualified teachers, and, finally, the level of educational resources they provided for their students. In terms of the McKay schools' assessment practices, my analysis was largely based on the public standards that related

the program's assessment policies, as there was a dearth of public information on the actual assessment practices that the McKay schools employed. In terms of the initiative's accountability to public assessment standards, little was required of the McKay schools. The reason why there was no available public data on their assessment practices was because the state did not require participating private schools to provide information on how they assessed their students or on how their students performed on these assessments to the public (Education Choice, 2005). Further, the private schools in the program were exempt from participating in Florida's results-based accountability initiative, which was a statewide program that gave public schools standardized tests and tied consequences to the schools on the basis of their test score results. On both counts, I critiqued the McKay program on the grounds that not revealing information to the public or participating in public accountability schemes meant that its students faced greater educational risks. There would be no outside mechanism that was responsible for ensuring that these children were being assessed effectively or sufficiently developing educational benefits. I also critiqued the state for not requiring the McKay schools to participate in public accountability initiatives, stating that in this situation, it was not sufficiently fulfilling its duty of monitoring schools to ensure that they were adequately supporting their students' educational development.

Along with this, I found the McKay Scholarship Program to be inadequate in terms of its qualification requirements for teachers. Its policies did not ensure that McKay private schools only hire qualified teachers. Teachers employed at McKay schools were not required to possess teaching degrees, or have training in special education

(Educational Choice, 2005). This lack of standardization could have serious consequences on the quality of instruction that children receive at these schools.

In terms of the third adequacy criteria that schools support children's opportunities by providing them with sufficient educational resources, the McKay initiative was again found to be lacking. The federal U.S. Department of Education considered the McKay students to be "privately-placed students" and, as a result, the accountability of the McKay schools to the IDEA of 2004 was extremely limited (U.S. Department of Education, 2001). For example, the McKay schools were not required to follow the Act's Least Restrictive Environment clause, which meant that they could segregate students with disabilities into single classrooms, and they also did not have to write Individual Education Plans (IEP) for each child who was diagnosed as disabled, which meant that these children may not be provided with IEPs that supported their learning. The limited requirements of the private schools to follow IDEA raises serious doubts about the quality of educational resources these schools are providing to their students.

As the preceding summary of the McKay initiative's fulfillment of egalitarian principles shows, the program has been designed to promote efficiency first and foremost (Salisbury, 2003; Kafer, 2003). In my overall analysis of it, I noticed little in its design that promoted the equal opportunities of the students' with disabilities who participated in it (Florida Department of Education, 2006). Further, as my analysis pointed out, in terms of access and the adequacy of educational programs provided, the McKay initiative promoted the goals of efficiency over the goals of equality, and as a result, neglected matters of efficiency.

Market advocates have recognized the initiative's support for market efficiency goals, and on these grounds, have heralded the McKay as a success (Kafer, 2001; Salisbury, 2003). As Rotherham & Mead (2003) comment, "The McKay program in Florida appears to be functioning exactly as one would expect a private school choice plan to work.... this earns the program high marks among voucher supporters" (p. 1). Generally, the benchmark that the McKay has received the highest praise from market advocates has been its economic efficiency. Because of the initiative's particular funding mechanisms, it is generally less expensive for the state to fund this program than fund the education of children with disabilities in public schools. From a perspective that prioritizes educational efficiency over all other commitments, voucher schemes for students with disabilities offer a potential for cost reduction. The views of voucher advocates like Fox (1999), Salisbury, and Kafer reveal the deep belief in and support for the goals of market efficiency that has been a mainstay of these kinds of extreme market reforms. When considering this faith in and support for the goals of market efficiency, and how these beliefs are being implemented in educational reforms, one question that comes to mind is whether it would be possible to design a voucher initiative that was capable of supporting these goals while also meeting the requirements of equality. The next section will explore this question in light of its findings on equality and efficiency in the McKay voucher scheme.

Educational vouchers for equality?

One of the main objectives of this paper has been to illustrate how the public and private models of accountability are sharply in tension, and in doing this I have also

demonstrated that any attempt to construct a policy of vouchers that meets the conditions of social justice would be a most challenging task. I have further highlighted and identified what some of the most important ethical and practical challenges would be, and shown how at least some prominent examples of a voucher reform failing miserably to meet the standards of equality that I have argued are crucially important to democracy and justice.

My comments on the challenges of designing equitable voucher programs are based on my findings from the McKay case study and on the market logic that these findings reflect. While practical problems arise in voucher schemes, such as the difficulty of insulating children from parents who make poor choices of schools (Brighthouse, 2000), the seminal issue with vouchers is not so much in their design, as in the values that their design mirrors- values that stem directly from the philosophy of market efficiency. Vouchers have risen out of an efficiency movement, and have been heralded by market advocates who contend that efficiency should be foremost in schools (Friedman, 1962; Chubb & Moe, 1989). Throughout the case study, my goal has been not only to examine equity issues that have arisen in the McKay program, but also to point out how these issues connect with the conception of efficiency upon which the program is based. It is these philosophical underpinnings that provide the conceptual foundation of the program, and, in some general terms, they could very possibly characterize the roots of the recent market efficiency reforms that have been made to public institutions. In light of extreme market reforms' deep philosophic basis in market efficiency, it would be challenging to ensure that voucher schemes continue to fulfill their efficiency commitments, prioritizing

efficiency above all else, and, at the same time, capably fulfill the equalitarian criteria this paper set out for them.

Overall, the key challenge that extreme market initiatives present can be found in the fact that they rely on market philosophies that prioritize consumer choice and put faith in the marketplace. As this study's findings demonstrated, schemes like the McKay Scholarship Program prioritize commitments to efficiency over commitments to equality. Moreover, this initiative placed too much faith in efficiency's capability of organizing schools in such a way that they are able to deliver an adequate and accessible education to students. The McKay's lack of information and support for parent choosers revealed how deeply it aligned itself to market beliefs concerning the effectiveness of consumers to 'shop' for goods. This belief is misguided, as it places too much faith in parents' ability to choose an appropriate school for their child.

Extreme market schemes in education are founded on conceptions about the efficiency of markets. To put it simply- these schemes believe that the efficiency of markets can increase the efficiency of schools. Perhaps they can, though as the introduction showed, this has yet been unproven. However, the question of whether or not the efficiency of markets can indeed increase the efficiency of schools has not been the central concern of this paper. Rather, the question this paper has addressed is how these efficiency-based initiatives will affect what should be schools' main goal: providing an adequate education to all- a goal equality is closely tied to. And it is on this ground that the paper has found the design of one educational voucher to be insufficient at delivering an education to its students that sufficiently upholds the requirements of equality.

Educational policy for equality

While efficiency can play a role in supporting the promotion of equal opportunities, the role it plays in the distribution of public goods must be one that first and foremost supports the aims of equality. In light of this, educational policies cannot be principally guided by efficiency priorities of cost containment, but instead on a foundation of making adequate educational benefits accessible to all. As a social, political endeavor, educational policies must be designed to further social cooperation among members of society, and, as Nussbaum (2006) writes, “foster the dignity and well-being of each and every citizen” (p. 202). Set-up as an overarching aim of an education system, the goals of efficiency are unable to accomplish this mission.

Further, children with disabilities cannot be scapegoated because they may often be more expensive to educate than other children (Berubé, 1995). Alongside this, programs for students with disabilities cannot be designed around the principal premise that they will lessen the costs of educating this group of individuals. This is morally problematic, as it will support situations where these children’s equality will be seriously compromised. Programs for children with disabilities, and for all children, must instead be designed with the principal goal of promoting these children’s equal opportunities.

In critiquing a privatized education scheme in this paper, my goal has not been to present current education systems as systems that consistently and successfully promote the goals of equality. I recognize that public education systems have flaws, though I do believe that the public standards these systems are accountable to work towards promoting the goals of equality to a much greater degree than the market mechanisms that dominate private education systems promote the goals of equality. Like Brighthouse

(2000), I hold that many of the problems that current public education systems face is because the goals of equality and of education in general, are often not clearly incorporated into schools' design or their operations. While it does not fall within the scope of this paper to offer solutions to problems that plague either public education or, more specifically, special education, I will reiterate the point that I made in the introduction- that public education must be rooted in clear-sighted values. Without a firm philosophic basis, systems of education will not be able to articulate a shared vision, much less able to successfully realize one.

Voucher programs provide a dramatic example of what can arise when education systems are not rooted in clear-cut values. These initiatives pose serious problems to the realization of students' equal opportunities, but despite of this, have been legislated and implemented in numerous states across the U.S., and also in Ontario. If the goals of education and the close link between education and equal opportunities were better understood, vouchers would likely have been greeted with fiercer opposition from parents, academics, policy makers, and members of the education community. As it stands, voucher reforms are currently affecting thousands of students across the U.S. In light of this, it is integral that these programs continue to be rigorously examined and held accountable for both the accessibility of their programs and the quality of education that they offer students, particularly students who are more vulnerable to experiencing inequality in the education system.

References

- Alberta Education. (2005). School Choice. Retrieved October 23, 2005 from:
<http://www.education.gov.ab.ca/educationsystem/choices.asp>
- Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*
- American Federation of Teachers. (2005). School vouchers: The research track record. Retrieved on October 21, 2005 from <http://www.aft.org/pubs-reports/teachers/VoucherTrackRecord2005.pdf>
- Apple, M. (2001). Comparing neo-liberal projects and inequality in education. *Comparative Education*, 37, 409-423.
- Arsen, D., Plank, D., & Sykes. (1999). *School choice politics in Michigan: The rules matter*. East Lansing, MI: Michigan State University.
- Berubé, M. (1996). *Life as we know it*. New York: Pantheon Books.
- Bosetti, L. (2000). Alberta charter schools: Paradoxes and promises. *Alberta Journal of Educational Research*, 46, 179-190.
- Brighouse, H. (2000). *School choice and social justice*. Oxford: Oxford University Press.
- British Columbia Ministry of Education. (2004). Developing more choices within the K-12 public education system. Retrieved October 23, 2005 from:
http://www.gov.bc.ca/bcgov/content/docs/@2KW2_0YQtuW/more_choices2.pdf
- British Columbia Ministry of Education. (1980) *Special education services: A manual of policies, procedures, and guidelines*. Victoria, BC: British Columbia Ministry of Education.
- Camilli, G. & Bulkey, K. (2001). Critique of "An evaluation of the Florida A-plus accountability and school choice program." *Education Policy Archives*, 9. Obtained January 2006 from: <http://epaa.asu.edu/epaa/v9n7/>
- Canadian Union of Public Employees. (2005). Who benefits- corporations or communities? The clear choice about water. Retrieved April, 2006 from:
<http://cupe.ca/www/privatizationwater/18116>
- Chubb, J. & Moe, T. (1990). *Politics, markets and America's schools*. The Brookings Institution: Washington, DC.

- Center for Education Reform. (2005). Charter schools. Retrieved on November 18, 2005 from: <http://www.edreform.com/index.cfm?fuseAction=stateStats&pSectionID=15&cSectionID=44>
- Cobb, C. D. & Glass, G. V. (1999). Ethnic segregation in Arizona charter schools. Education Policy Analysis Archives, 7 (1). Retrieved November, 2005 from: <http://epaa.asu.edu/epaa/v7n1/>
- Compas. (2001, August 26). The educational experience: State of the nation, Q2, Public opinion on education. *A Compas/ National Post poll with supplementary questions for Global Television*. Ottawa, ON: Compass Inc.
- Corbett, J. & Slee, R. (2000) An international conversation of inclusive education. In Armstrong, F., Armstrong, D., & Barton, L. (Eds.), *Inclusive Education: Policy, contexts, and comparative perspectives*. London: David Fulton.
- Date, S. V. (2006, January 6). State high court rejects voucher program. Palm Beach Post. Retrieved January, 2006 from http://www.palmbeachpost.com/state/content/local_news/epaper/2006/01/06/m1a_vouchers_0106.html
- Dorn, S. (2004). Reforming the structure of Florida's public accountability system: Policy Brief. Tempeh, AZ: Education policy research unit: Arizona State University.
- Dworkin, R. (1985). *A matter of principle*. Cambridge, MA: Harvard University Press.
- Earl, L. (2003). *Assessment as learning: Using classroom assessment to maximize student learning*. Thousand Oaks, CA: Corwin Press Inc.
- Educational Choice, Fla. Stat. Obtained July, 2006 from: www.flsenate.gov. § 1002.31-1002.39 (2005).
- Estes, M. B. (2001). *Choice for all? Charter schools and students with disabilities*. Unpublished doctoral dissertation. University of North Texas, Denton.
- Finn, Chester E., Jr. (2002). Real Accountability in K-12 Education: The Marriage of Ted and Alice. In W.M. Evers and H.J. Walberg (eds.), *School Accountability: An Assessment by the Koret Task Force on K-12 Education* (23-46). Palo Alto, CA: Stanford University, Hoover Press.
- Finn, C., Rotherham, A., Hokanson, C. (2001). Rethinking special education for a new century. Progressive Policy Institute and Thomas B. Fordham Foundation. Retrieved May, 2006 from: <http://www.ppionline.org>
- First Class City School System, 03-04 Wis. Stat. Database. § 119.23 (2005).

- Florida Department of Education. (2006). Florida School Choice. Retrieved May 10 from: <http://www.floridaschoolchoice.org/>
- Fox, J. (1999). Sending public school students to private schools. *Policy Review*. Heritage Foundation.
- Frankenberg, E. & Lee, C. (2003). Charter schools and race: A lost opportunity for integrated education. *Education policy analysis archives*, 11 (32). Retrieved June 10, 2005 from <http://epaa.asu.edu/epaa/v11n32>
- Fraser Institute. (2003). Children First, School Choice Trust Fund. Retrieved December, 2005 from: http://www.childrenfirstgrants.ca/about_overview.html
- Friedman, M. (1962). *Capitalism and freedom*. Chicago, IL: University of Chicago Press.
- Fuller, B., Elmore, R., & Orfield, G. (1996). Policy-making in the dark: Illuminating the school choice debate.
- Henig J. R. & Sugarman, S. D. (1999) The nature and extent of school choice. In (S. D. Sugarman and F. R. Kemerer (Eds.) *School choice and social controversy: Politics, policy, and law* (pp. 13-35). Washington, DC: The Brookings Institution.
- Howe, K. R., & Welner, K. G. (2002). School choice and the pressure to perform: Déjà vu for children with disabilities? *Remedial and special education*, 23, 212-221.
- Gerwitz, S., Ball, S., Bowe, R. (1995). *Markets, choice and equity in education*. Buckingham, England: Open University Press.
- Government of Florida, Age by language spoken at home by ability to speak English for the population five years and over. 2000 Census: Summary File 3, Table P19. Obtained July from: <http://www.ncela.gwu.edu/policy/states/reports/statedata/2001/pdffiles/Florida-Comp.pdf>
- Gross Stein, J. (2001). *The cult of efficiency*. Toronto, ON: Canadian Broadcasting Corporation.
- Individuals with Disabilities in Education Improvement Act of 2004, 20 U.S.C. § 1400 *et seq.*
- Heath, J. (2001). *The efficient society: Why Canada is as close to utopia as it gets*. Toronto, ON: Penguin.
- Hegarty, S. (2002, September 13). "Disabled are top voucher users." *St. Petersburg*

Times

- Hockenbury, J. C., Kauffman, J. M., Hallahan, D. P. (2000). What is right about special education, *Exceptionality*, 8, 3-11.
- Howe, K. R., & Welner, K. G. (2002). School choice and the pressure to perform: Déjà vu for children with disabilities? *Remedial and special education*, 23, 212-221.
- Kafer, K. (March 25, 2003). *Florida McKay Scholarship Program provides model for federal legislation*. Heritage Foundation.
- Little, D., Roberts, G., Ward, D., Bianchi, M., & Metheny, M. (2003). *Charter schools: Investment in innovation or funding folly?* New York: New York State School Boards Association.
- Lockwood, A. T. (2004). *Charter schools decade*. Lanham MD: ScarecrowEducation.
- Mackay, G. (2002). The disappearance of disability? Thoughts on a changing culture. *British Journal of Special Education*, 29, 159-163.
- Manitoba Education, Training and Youth. (1995). *Renewing education: New directions, the action plan*. Winnipeg, MB: Government of Manitoba.
- Manno, B. V. (2001). The case against charter schools. *School Administrator*, 58, 28-34.
- National Council of Disability. (2003). *School vouchers and students with disabilities: Policy Paper*. Washington, DC: National Council of Disability.
- Northeast and Islands Regional Education Laboratory at Brown University. (1999). *Charter schools. The other public schools: Themes in education*. Providence, RI: Office of Educational Research and Improvement.
- Nussbaum, M. (2006). *Frontiers of justice: Disability, nationality, and species membership*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Ontario Ministry of Education. (1980). *Education Amendment Act*. Bill 82.
- People for the American Way. (2005). Voucher track record. Retrieved December, 2005 from <http://www.pfaw.org>
- Randall, G. E. & Williams, A. P. (2006). Exploring limits to market-based reform: Managed competition and rehabilitation and home care services in Ontario. *Social Science and Medicine*, 62, 1594-1604.

- Ravitch, D. (2002). Testing, accountability, historically considered. In W. M. Evers & H. J. Walberg (Eds.), *School accountability* (pp. 9-21). Stanford, CA: Hoover Institution Press.
- Rehabilitation Act of 1973, 29 U.S.C., § 794 *et seq.*
- Reid, L., Fletcher, J., Shaywitz, S., Shaywitz, B., Torgesen, J., Wood, F., Shulte, A., Olson, R. (2001). Rethinking learning disabilities, In C. Finn, A. Rotherham, & C. Hokanson (eds.) *Rethinking special education in a new century of progressive policy*. Progressive Policy Institute, Fordham Foundation: Washington, DC.
- Rotherham, A. & Mead, S. (2003). Think twice: Special education vouchers are not all right, *Policy report*. Progressive Policy Institute: Washington, DC.
- Rothstein, L. F. (1999). School choice and students with disabilities. In S. D. Sugarman and F. R. Kemerer (Eds.) *School choice and social controversy: Politics, policy, and law* (pp. 332-364). Washington, DC: Brookings Institution Press.
- Rousse, C. (1998). Private school vouchers and student achievement: An evaluation of the Milwaukee parental choice program. *Quarterly Journal of Economics*, 113, p. 553-602.
- Sailor, W & Stowe, M. (2003). *School vouchers and students with disabilities: Policy paper*. Washington, DC: National Council on Disability.
- Salisbury, D. (January 9, 2003). *Lessons from Florida : School choice gives increased opportunities to kids with special needs*. CATO Institute.
- Segal, G. F. (2003) Navigating the politics of water privatization: The battles of New Orleans, Atlanta and Stockton. *Annual privatization report*. Retrieved April, 2006 from www.rppi.org/apr2003/navigatingthepolitics.html
- Salomone, R. C. (2003). Private values, public commitments, In A. Wolfe (Ed.) *School choice: The moral debate* (pp. 244- 270). Princeton, NJ: Princeton University Press.
- Schemo, D. J. (2001). Threat of vouchers motivates schools to improve, study says. *New York Times* (February 16). *Simmons-Harris v. Zelman*, 2000 FED App. 0411P (6th Cir.)
- Slee, R. & Weiner, G. (2001). Education reform and reconstruction as a challenge to research genres: Reconsidering school effectiveness research and inclusive schooling. *School Effectiveness and Improvement*, 12, 83-98.
- Smith, A. (1999). *The wealth of nations*. (Rev. ed.). London: Penguin Books.

- Tanner, M. (2003). Welfare reform: Less than meets the eye. Cato Institute. Retrieved April, 2006 from: www.cato.org/pubs/pas/pa-473es.html
- Title 42 U.S.C. §. 2000d (2000).
- Tuohy, C, Flood, C., Stabile, M. (2004). How does private finance affect public health care systems? Marshaling the evidence from OECD. *Journal of Health and Policy Law*, 29, 359-396.
- U.S. Department of Education. (2005). Non-public education: A vital part of U.S. K-12 Education. Retrieved December 3, 2005 from: <http://www.ed.gov/nclb/choice/Schools/http://www.ed.gov/nclb/choice/schools/onpefacts.htmlonpefacts.html>
- U.S. Department of Education, Office of Elementary and Secondary Education. (2002). *No Child Left Behind: A desktop reference*. Washington, DC: U.S. Department of Education.
- U.S. Department of Education. (2001). Letter to Bowen. Obtained July 2 from: <http://www.ed.gov/policy/speced/guid/idea/letters/2001-1/bowen3302001fape.doc>
- U.S. Government Accountability Office. (2002). School vouchers: Characteristics of privately funded programs. Washington, DC: U.S. Government General Accounting Office.
- Vergari, S. (1999). Charter schools: A primer on the issues. *Education and Urban Society*, 31, 389-405.
- Waller, M. (2003, February 8). Voucher qualms expressed. *The Times Picayune*. New Orleans. p. 1.
- Wells, A. S. (1993). The sociology of school choice. In Rasell, E. & Rothstein, R. (eds.) *School choice: Examining the evidence*. Washington, DC: Economic Policy Institute, pp. 29-48.
- Wells, A. S., Artiles, L., Carnochan, S., & Cooper, C. (1998). *Beyond the rhetoric of charter school reform: A study of ten California schools*. Los Angeles, CA: Charter School Study.
- Witte, J. (2000). *The market approach to education: An analysis of America's first voucher program*. Princeton, NJ: Princeton University Press.
- Zollers, N. J. & Ramanathan, A. K. (1998). For-profit charter schools and students with disabilities: The sordid side of the business of schooling. *Phi Delta Kappan*, 80, 297-304.