

# **1980 Boston Education Voucher Bill**

**Created by the Education Voucher Study Committee**

**chaired by William Bronson, M.A.**

**under the auspices of the Boston Finance Commission**

Background: In 1980 the Boston Public Schools were in crisis. A Federal Judge (Garrity) was appointed to administer the public school system that was struggling with issues related to busing. In attempts to provide better school experiences for students from low-income neighborhoods, a busing program was set up to send these students to schools in more affluent neighborhoods in the Boston area. But when students from Boston were bused to schools in lower income neighborhoods there was strong pushback from the parents of these students.

Republican Edward F. King was appointed Chair of the Boston Finance Commission by Democrat Edward J. King, recently elected Governor of Massachusetts. The Boston Finance Commission was a state watchdog agency over the large spending by the Boston School Committee, and Edward F. King appointed William Bronson to chair the Education Voucher Study Committee. The Voucher Study Committee comprised of various stakeholders worked for a year and held public hearings as they developed the language of a bill to be submitted to the Massachusetts General Assembly. It never reached the state house, but Bronson presented it to the Education Commission of the States convened by Florida Governor Bob Graham that year (1981) at MIT in Cambridge, Massachusetts

Bronson had been a Republican candidate for U.S. Congress in MA6 in 1976, 78, and 80 while flying for Delta Airlines out of Logan Airport, Boston. He held a master's degree in education from Suffolk University, Boston. He invited Nobel Laureate Milton Friedman to testify at his public hearings. Although Friedman could not attend, he sent these remarks in a letter dated June 19, 1981: *"It would be a major achievement if you can get your plan adopted... it is more comprehensive than any others I have seen... it certainly has been carefully thought through and sounds eminently sensible."*

Below is the text of the bill:

## **An Act Relating to Boston Public Schools**

Be it enacted by the Senate and the House of Representatives in general court assembled, and by the authority of same as follows:

The General Laws are hereby amended by inserting after Chapter 71B the following new Chapter:

**Chapter 71C**

Section 1. **Purpose.** This bill is designed to bring normal market forces into the provision and consumption of educational services through the use of an educational voucher system, so as to provide higher quality education for all the children of Boston at a reasonable price.

Section 2. **Definitions.** Unless the context otherwise requires, the following definitions shall apply to the provisions of this chapter:

- a. "City" means the City of Boston.
- b. "Committee" means the School Committee of the City.
- c. "school" means any educational provider, public or non-public.
- d. "parents" include natural parents, legal guardians, or any person having legal or effective custody over a student.
- e. "certification" means the process whereby the Committee qualifies a school to redeem vouchers as agents of parents.
- f. "student" means any person enrolled in K through 12<sup>th</sup> grade who resides in the City.
- g. "Voucher" is the instrument issued to the parents which represents an amount of money as determined by provisions of this chapter and the Committee to be used for a student's education.

Section 3. **Application.** The provisions of this chapter apply to the City of Boston only, except as expressly otherwise provided. The provisions of this chapter shall become applicable to the City only if they are accepted by the voters of the City as provided in Section 3.

Section 4. **Acceptance.** With the consent of a majority of the members of the City Council and the Mayor, the question of accepting the provisions of this chapter shall be placed on a ballot in the city at the next special or general election. If the City Council and the Mayor do not put the question of acceptance before the voters at an election held on or before January 1, 1982, the question of acceptance shall be placed before the voters when a petition so requesting has been signed by registered voters in the City in an amount equal to two percent of the voters voting in the last mayoral election.

The question shall be: Shall the City of Boston adopt the provisions of Chapter 71C of the Massachusetts General Laws establishing voucher education?

In all respects the election shall be conducted in the same manner as any city election. If a majority of those voting on the question vote “Yes”, the provisions of Chapter 71C shall take effect on May 1 first following the election.

**Section 5. Withdrawal of Acceptance.** Acceptance of the provisions of this chapter may be withdrawn by placing the question of withdrawal on the ballot in the city at a special or general election. At any time after the completion of three fiscal years while acceptance was in effect, a majority of the City Council with the Mayor or a petition signed by voters registered in the City equaling two percent of the voters at the last mayoral election shall place the question before the voters. The decision of the City Council with the Mayor or the petition shall specify the date of the special or general election at which the question shall appear.

The question shall be: Shall the city withdraw from accepting the provisions of Chapter 71C of the Massachusetts General Laws establishing voucher education?

In all respects the election shall be conducted in the same manner as any city election. If a majority of those voting on the question vote “Yes”, the acceptance of the provisions of Chapter 71C shall be withdrawn and the provisions of Chapter 71C shall cease to have effect on the following July 1. If less than six months exist between the date of the election and the following July 1, the provisions of Chapter 71C shall cease to have effect on the second July 1 following the election.

**Section 6. Administration.** This bill will be administered by the School Committee and the Superintendent as salaried employees of the city.

**Section 7. Authority and Responsibility of the School Committee and Superintendent.** When the provisions of Chapter 71C of the General Laws become effective in the City of Boston, the Committee shall have only the powers specified in that chapter and such powers as may be reasonably necessary to carry out its responsibilities under that chapter to a) issue and pay educational vouchers, b) supervise Boston public educational facilities, c) administer the School Committee funds, and d) certify participating educational providers.

**Section 8. Issuance of Vouchers.** The School Committee will issue to all parents or legal guardians of school age children who reside in Boston the following vouchers:

1. **The Basic Voucher** for each child grades 1 through 12 valued initially at \$1500.

*Note: These amounts were based on the 1980 Boston Schools’ budget which at the time was spending about \$8000 per student. Currently the national average is two to three times that amount. The amount of the various vouchers is critical*

*and should be carefully formulated to provide enough incentive for parents to use them while at the same time high enough to fund local schools at current levels. Keep in mind that vouchers for parents of both public and nonpublic school students of the same value, but the city or county already provide the facilities for public schools which is not the case with nonpublic schools.*

2. **The Kindergarten Voucher** for children enrolled in kindergarten valued initially at \$500.

*Note: this amount was based on normal half-day classes. Currently hours are often extended to full day, and preschool classes should be considered in that many single parents work full time and partially use public schools as childcare.*

3. **The Low-Income Voucher** to low-income parents as defined by the School Committee for children enrolled K through 12, valued initially between \$100 and \$1000.

*Note: This amount reflects the additional challenges of low-income families in terms of both family time and financial resources they can provide to their students.*

4. **The Vocational Education Voucher** for students grade 7 through 12 enrolled in vocational education programs valued from \$200 to \$1000.

5. **The Special Education Voucher** for children with special needs in categories defined by the School Committee valued initially from \$1000 to \$5000.

**Section 9. School Committee Budget.** The value of the vouchers will be adjusted periodically to reflect changing costs of education due to inflation or deflation or other causes. However, the total budget will not be less than the national average public school per pupil expenditure times the number of students participating in the voucher system. Nor may the School Committee budget exceed 20% above that amount. All other expenses such as administrative costs shall not exceed 10% of the amount spent to redeem vouchers.

**Section 10. Use of Vouchers.** Parents may use their vouchers at any educational provider in the Commonwealth, public or non-public that meets the broad certification requirement of the School Committee and accepts their child.

Section 11. **Issuance of Vouchers.** The School Committee will issue the vouchers by June 1 each year to parents who will submit them to the schools of their choice by July 1. The schools will submit the vouchers for payment as agents of the parents to the School Committee by August 1. The School Committee as agents of the parents will pay the vouchers in two equal payments to the schools on Sept 1 and January 1. Appropriate adjustments will be made for partial year enrollment and transfers.

Section 12. **Allotment of Public-School Facilities.** The School Committee will allot public school facilities on a cost-effective basis based on public school needs. Excess facilities will be leased on a priority basis to private educational providers at a reasonable price by competitive bid.

Section 13. **Autonomy of Public Schools.** Parents of children enrolled in each public school will elect by secret ballot their own school board which will select its principal and approve its budget. The public schools will become autonomous units and the principal will have the authority to set curriculum, hire and fire employees, and negotiate with unions,

Section 14. **Mandatory Acceptance.** A student who applies must be accepted at the Boston public school which is closest to him/her geographically which is not an exam or magnet school, although she/he may apply to any school in the Commonwealth.

Section 15. **Grounds for Transfer.** If by 2/3 vote, a local school board determines that it cannot meet the education needs of a child due to emotional, mental, or physical handicap, it will become the responsibility of the Boston School Committee to contract or provide for the education of such child.

Section 16. **Public School Funding.** The public schools' major source of revenue is through vouchers, although public schools will continue to have their facilities provided by the city. Heat, electricity, and other utilities and ordinary maintenance are the responsibility of the individual school. Public schools may raise additional funds through voluntary contributions, but they may not create debt. Except for magnet or exam schools, public schools within Boston may not charge tuition higher than the vouchers without the approval of the School Committee of Boston.

Section 17. **Certification of Educational Providers.** Certification is for the purpose of determining which schools are eligible to receive a parent's voucher and is unrelated to accreditation. All schools, public or non-public, that provide reasonable educational services will be considered certified. Further, certification will be presumed for any educational provider enrolling over 20 students. Certification may not be denied on the basis of religious tests.

Section 18. **Penalty for Fraud.** Any person or institution who defrauds the system will be prosecuted to the full extent of the law and will be liable to full and multiple restitution.

Section 19. **Non-discrimination.** Any school determined by majority vote of the School Committee to be denying admission solely on the basis of race, color, or national origin will not be certified and therefore will lose voucher redemption privileges,

Section 20. **Deregulation of Schools.** In no case will regulations be imposed on public or non-public schools which are more restrictive than existing non-public school regulations.

Section 21. **Federal Assistance.** Any school which receives a voucher from a parent under this plan will not be considered a recipient of federal assistance or subject to federal regulations.

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