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HOW I VOTED: OPEN ENROLLMENT

AGAINST

One of the last items the SC House took up in 2007 was the Governor's veto of the so-called "Open Enrollment" bill. Somehow, this bill ended up getting linked to the "voucher movement" and became a proxy fight between Superintendent Jim Rex and Governor Sanford. Indeed, many school board members from across the state, including some in our district, who originally opposed the bill changed their minds in the waning hours. The only thing that had changed, of course, was the politics.

That is too bad, because there was no need for politics or gamesmanship on this one: it was a bad bill. I voted against it. Here's why:

The Open Enrollment legislation was, as are many bills, well intended. It was designed to provide options in education. It had some promising parts. For example, it would have given local school boards the option of employing alternative structures, such as Montessori programs and single-gender schools. And if this bill covered only those things, I would have supported it.

Unfortunately, Open Enrollment, as its name implies, also called for open enrollment across school district boundaries. In its most basic example, if a student from Chester County wanted to attend Fort Mill Schools --- and there was space available -- she would be permitted to attend. While that sounds simple enough, that basic premise created some fundamental questions that the legislation, quite frankly, just ignored.

First and foremost, the bill totally failed to define the term "capacity." For Fort Mill and Lancaster Schools, this was critical issue. If we built a new school in anticipation of future growth, would that create "capacity" that would be made available to out-of county residents? Also, if one of our school boards decided that a class is "full" at 25 students, could someone else force us to re-define "full" as 35? ***The answer to both was "yes."*** Perhaps worst of all, that decision would have been made by bureaucrats in the Department of Education, and not by your local elected officials.

There was also the issue of cost. Right now, there are basically three sources of funds for each child in our schools: federal, state, and local. Under Open Enrollment, the federal and state money would have followed the student, ***but the local money would not.*** So, taxpayers in Fort Mill and Lancaster could have ended up paying at least part of the tab for educating kids from another county. This would also create a financial incentive for counties to send their kids to our schools --- as those other counties would then have more local money left to spend on their remaining students.

Finally, the bill was so poorly worded that it contradicted itself in places. For example, in one section, it said that a new resident of a district could not be denied a space in his hometown school. In another, however, it said that any non-resident child who had been previously allowed to attend a school could not be kicked out until he aged out of the school. So, in 2010, a Rock Hill student could be given a space in Fort Mill in first grade. Then, in 2011 a new Fort Mill second grader could move in...and she would be given a space. The Rock Hill student, however, could not be kicked out until middle school *regardless of capacity issues*. It is easy to foresee how this could lead to overcrowding, especially in our fast-growing schools.

I was not alone in fighting this bill. Legislators from other fast-growing school districts saw many of the same problems I did; many black lawmakers believed that the law would have encouraged a re-segregation of our schools; other legislators thought the program was too limited. In the end, the support for the Governor's veto crossed both political and racial lines. Only 35+ votes were necessary to sustain the veto; there were 52 votes to sustain in the final tally.

I encourage new ways of thinking about schools. At the same time, I believe in a thoughtful approach to complex issues. Personally, I think this bill was rushed, and that adequate consideration was not given to its unintended consequences. In this, of course, it would not be unique, as we in the Legislature have a habit of creating two new problems by solving one old one.

I said when I ran for office that I would support options in education. Toward that end, I have voted for the virtual school program (passed into law), alternative teacher certification (passed) and the so-called voucher/educational scholarship program for kids in the worst of our failing schools (failed). I voted for incentives for business that hire from our technical schools (passed), supported increased scholarships for math and science (passed), and co-sponsored two bills (yet to be heard) that would require 65% of all school funding be spent in the classroom.

At the same time, I also said that I would not support legislation that undermines our good local schools. As it was presented this year, the Open Enrollment bill ran a significant risk of doing just that.

(2008 Update: After several legislators and I worked closely with Superintendent Rex over the winter, the bill was reintroduced this year without mandatory open enrollment. The bill now known as "Public School Choice," focuses on those alternative education methods mentioned above. I support the new bill, and am a primary co-sponsor.)