

REGULATING SCHOOL REFORMS:  
AN ANALYSIS OF THE IMPACT OF RELIGIOUS INTERESTS  
ON STATE EDUCATION POLICIES

BY

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## Chapter 1: Introduction

For nearly a century in the United States (US), political actors have dealt with various religious groups whose pursuits are morally acceptable policies. From a broader perspective, the clashes between religiously traditionalist segments of society and more liberal elements of society have come under the heading of “culture wars,” in that morally conservative persons are in ongoing policy battles at the local, state, and federal levels, over issues such as evolution, sexual behavior, and abortion (Hunter 1991). One such highly mobilized and active religious population, the evangelical Christian population, has attempted to alter state educational policy outputs from public school curricular standards to public schooling alternatives. While a healthy amount of attention has been paid to public school curriculum, programs, and facilities, the influence of religion on state decisions on public school alternatives has not drawn as much fanfare. The following research adds on to the existing work on the role of religion in politics and policy, specifically education policy, by analyzing the impact of Christian evangelicals on state-level legalization and regulation of private school choice, charter schools, and home schools. These three public school alternatives are expected to be favored by evangelicals. In this analysis, Christian evangelicals, or evangelicals, are defined in a manner similar to other religion and politics research, Evangelical Protestants, and will similarly be used interchangeably with the term the Christian Right (Wilcox and Larson 2006; Deckman 2004; Green 1995).

Members of the Christian Right have had a long history of opposition to the public school system, the public school curriculum, and the cultural values taught in the public schools. This concern stems largely from a concern that public schools are regulated and operated by liberal progressives, and the resulting teachings will indoctrinate their children with ideas and values apart from their own religious teachings (Deckman 2004). They view public schools, and the teachings and environment within those schools as fundamentally harmful to their children (Wilcox and Larson 2006; Wald 2003). The public school system is thought to promote humanistic, secular teachings, and evangelical parents do not want

their children exposed to these anti-religious views (Wilcox and Larson 2006; Deckman 2004). Instead, Christian evangelicals, as well as other religiously traditionalist parents, prefer to raise their children under the word of God and in a school system that does the same—they want to protect the values of their children (Wilcox and Larson 2006; Deckman 2004). More recently, curricular concerns have expanded to include various other areas, such as, sexual education, diversity education, history, reading, and critical thinking (Deckman 2004). Additionally, religious parents cite concerns about facilities and services offered to students, the programs schools offer, as well as the quality and safety of the schools themselves (Robertson 2010; Deckman 2004).

These religious parents have reacted to unsatisfactory public schools and detestable curricular standards in three basic ways. First, members of the religious right have attempted to change the public school curriculum, as was evidenced by the introduction of Darwin and evolution in the classroom and the ensuing Scopes trial (Wilcox and Larson 2006; Gibson 2004; Wald 2003; Lienesch 1993; Martin 1996; Larson 1989; Parker 1979; Gatewood 1966). The moral debate over the teaching of evolution continues to this day (Wilcox and Larson 2006; Gibson 2004; Cigler, Joslyn, and Loomis 2003; George 2001; Belluck 1999; Martin 1996), along with more recent debates over health facilities and sex education (Doan and Williams 2008; Williams, Litvak, and Moriarty 2004; Wald, Button, and Rienzo 2001), tolerance and diversity instruction (Deckman 2004; Gaddy, Hall, and Marzano 1996; Moen 1984), and reading materials used in the classroom and kept in the school library (Deckman 2004; Gabler and Gabler 1996; Parker 1979). Next, religious parents have sought out alternatives to public schools, such as private and religious schools (Wilcox and Larson 2006; Weil 2002). More recently, scholars have suggested that Christian evangelicals have been a large portion of the school choice movement, specifically the pursuit of school voucher legalization (Shiffrin 2009; Weil 2002), and, to some degree, state legalization of charter schools (Wilcox and Larson 2006). Finally, religious persons may choose to opt out of institutionalized educational systems altogether, and attempt to remain distinct from society and the

immorality within that society (Wilcox and Larson 2006; Wald 2003; Reich 2002; Knowles, Marlow, and Muchmore 1992). These religious persons, defined as fundamentalists and pre-millennialists (Wald 2003), are those that have been in the fracas over compulsory attendance laws and the legalization of home schooling (Wilcox and Larson 2006; Reich 2002; Knowles, Marlow, and Muchmore 1992) and, more recently, this movement has focused on state oversight, restriction, and regulation of home schools (Farris 2009).

This research will focus on the latter-two religious reactions to the public school system, by examining two institutional school choice alternatives favored by religious groups and the public school opt out alternative provided by home schooling. In terms of school choice, religious groups are expected to have greatest preference toward privatized school choice options such as school vouchers (Weil 2002), yet have also encountered a great deal of resistance to these policies (Constant 2006) and have only generated minimal state legalization for specialized groups in a handful of states (Peterson 2005). Private school choice policies, such as school vouchers and scholarship tax credits, are favorable to both religious parents as well as religious schools, as they give parents a chance to spend their share of tax revenues for their child's education, and give schools opportunities to collect funds outside their normal funding mechanisms. Initially, both the use of school vouchers for religious schools, and tax credits for monies directed toward religious schools were not legal under Conditional interpretations (*Committee for Public Education & Religious Liberty v. Nyquist* 1973; *Lemon v. Kurtzman* 1971; *Everson v. Board of Education* 1947). However, more recently, the Supreme Court has reversed these decisions of the mid-1900s, and has begun to allow states to provide individual tax credits or deductions for tuition paid by parents for religious schools (*Muller v. Allen* 1983), and to allow the use of school vouchers for private religious schools (*Zelman v. Simmons-Harris* 2002). In addition, many states allow for individual and corporate tax credits for monies donated to religious school scholarship funds; as long as these funds are funneled through outside, non-religious institutions which do not give preference to religious, they are interpreted

to be constitutionally acceptable schools (under the legal precedents established in *Angostini v. Felton* 1997; *Witters v. Washington Department of Services for the Blind* 1986, and upheld within state supreme courts). While religious parents and schools are more supportive of these types of policies, they also encounter a stiff resistance from teachers' unions (Constant 2006), and these changes in legal interpretation have just recently allowed the use of public monies for the funding of religious education. Therefore, it is expected that religious adherents may have shifted focus toward other schooling alternatives, alternatives which are not as strongly opposed by contending groups.

The difficulty in achieving favorable school voucher policies has modified somewhat the pursuit of school choice alternatives to include other private school choice policies and charter school legalization, such that the charter school movement provides restructured private schools the opportunity to operate with public funds. In fact, private religious schools are now looking favorably at restructuring schools, given that the recent economic downturn offers these schools hope for increased financial support (Hernandez 2009). In many instances, these restructured schools are not allowed to be overtly religious, but are allowed to teach a curriculum based in core values (Hernandez 2009); however, with recent interpretations of the Supreme Court, as long as these schools offer non-religious alternatives, they do not violate the First Amendment's separation of church and state (*Zelman v. Simmons-Harris* 2002) While charter schools have not generated as much opposition from political actors like teachers unions (Constant 2006), they have yet to become legally allowed in ten states, and the degree to which they are allowed and regulated in the other 40 plus the District of Colombia has a great degree of variance. Finally, home schools have been one area where religious parents have pursued legal rights in the courts (*Wisconsin v. Yoder* 1972; *Mozert v. Hawkins County Board of Education* 1987), and have ultimately achieved the right to home school in all 50 states. As a result, evangelicals have had the last two decades to focus on state restrictions on and regulation of home schools, and there is now an enormous range of variance in the types of restrictions placed on home schools as well as the degree to which each type of

restriction is imposed across states. As with private school choice, teachers' unions are highly opposed to the allowance of home schooling, but have ultimately lost this battle. They have, however, sustained a focus on ensuring that home schools are providing children with an adequate education, and that home schools are held to the same testing standards as the public schools (Coons and Sugarman 2009; Reich 2002). Overall, religious adherents have greatest preference toward privatized school choice options and home schooling; however, private school choice advocates have come up against vigilant opposition from teachers' unions. In an effort to achieve some type of school choice policy adoption, religious adherents may have expanded their focus, and looked into other options, such as charter schooling. From this, it would seem that religious conservatives have an opening to be more influential on charter school and home school restrictions and regulations.

### **Religious Traditionalism and Culture Wars**

This research will be framed in the context of the culture wars thesis, or the idea that issue conflicts can be placed inside debates over moral traditionalist views and the more progressive, liberal, modernist view (Hunter 1991). This framework, originally established as a means to examine growing religious conflict in late nineteenth century Germany, supposes two divergent sides with very distinct, very different worldviews, such that most cultural conflict can be framed as a battle over religious values (Wald 2003; Hunter 1991). Moral traditionalists reject modern values and progress, values such as women outside the home, sexual promiscuity and homosexual relationships, abortion and birth control, and secular, standardized educational policies (Wald 2003; Sharp 1999). More modern progressives are the ones pursuing these types of policies, thus pitting each group against the other one in a constant battle over fundamental values. It is not only different religious traditions that find themselves at odds. The contribution of this thesis is that it predicts differences within groups, such as religious denominations, and suggests that traditionalists and progressives within religious traditions like Catholicism are likely to engage in battle over policy values (Deckman 2004; Wald 2003; Shifrin 2002). Beyond differences

between the traditionalist and progressive groupings within religious groups, scholars have also recently begun to identify racial dimensions within religious groups, particularly with regard to economically conservative and social justice policies (Heltzel 2009; Wald and Calhoun-Brown 2007; Andrain 2008).

While many scholars would note that the culture wars thesis is no longer appropriate for the study of public policy (Wald 2003), and has not been supported by empirical research (McConkey 2001; Clydesdale 1997; Hoffmann and Miler 1997; Williams 1997), others would note that some issues lend themselves to the culture wars thesis better than others (Deckman 2004; Johnson and Tamney 2001; Layman 1999, 1998, 1996; Layman and Carmines 1997; Davis and Robinson 1996a, 1996b). One of the primary policy areas where one can observe the disagreements and debates of the culture wars is education policy (Deckman 2004; Davis and Robinson 1996a, 1996b), and as Deckman (2004) notes, the wide range of educational policies and political tactics currently used by the Christian Right may be primed for understanding using this idea. For one, the current Christian Right movement is a conglomeration of many different groups and organizations (Wilcox and Larson 2006; Deckman 2004), even within the education policy issue arena (Deckman 2004). Current religiously traditional education policy activists pursue a variety of issues, such as mobilizing religious voters and electing morally traditionalist candidates for public office (Wilcox and Larson 2006; Deckman 2004; Rozell and Wilcox 1996; Sinclair 1996; Jones 1993; Horstman 1992), ensuring objectionable materials do not find their way into public school curriculum or textbooks (Doan and Williams 2008; Gibson 2004; Cigler, Joslyn, and Loomis 2003; George 2001; Kicheloe 2001; Gabler and Gabler 1985), ensuring school programs and facilities are not promoting immoral behavior (Williams, Litvak, and Morarity 2004; Detwiler 1999; Gaddy and Marzano 1996); pursuing the religious and parental right to home school (Robertson 2010; Cigler, Joslyn, and Loomis 2003; Reich 2002; Knowles, Marlow, and Muchmore 1992); and lobbying for the adoption of state school choice policies (Viteritti 2007; Wilcox and Larson 2006; Deckman 2004; Weil 2002).

## **History of Religious Mobilization and Activism**

The first wave of religious activists, to later become known as the Christian Right, mobilized in the 1920's to protest teaching the theory of evolution in public school classrooms, and instead promoted the teaching of creationism in public schools (Wilcox and Larson 2006; Deckman 2004; Lienesch 1997; Gatewood 1966). The early fundamentalist movement, and its most public advocate William Jennings Bryan, focused on the mobilization of public opinion through large public rallies, speaking tours, and revivals (Wilcox and Larson 2006; Deckman 2004; Lienesch 1993; Furniss 1963). These early campaigns over public school curriculum were organized, mobilized, and targeted toward state anti-evolutionary policy (Furniss 1963), via church congregations and leadership (Deckman 2004; Gatewood 1966). In addition to these efforts, congregations and leaders attempted to influence state policy by holding private meetings with state policy makers, from governors to legislators to board members (Wilcox and Larson 2006; Deckman 2004; Lienesch 1993; Furniss 1963). This early movement succeeded in its attempts to mobilize evangelical Protestants and managed to get anti-evolution bills in about 20 states (Wilcox and Larson 2006; Lienesch 1997). However, a majority of the bills were defeated (Wilcox and Larson 2006; Lienesch 1997). Even with these state-level losses, religious activists did achieve early victories and learn lessons for the future. Religious evangelicals were able to achieve limited success because textbook companies and local school boards wanted to avoid controversy (Deckman 2004; Gatewood 1966). The targeting of public opinion and key political actors at the state and local level effectively removed evolution from many public school classrooms, as evolution was removed from most science texts (Wilcox and Larson 2006; Deckman 2004; Lienesch 1993; Wills 1990; Gatewood 1966).

While the fundamentalist movement got what they desired in terms of evolutionary teachings and public school science standards, it still fizzled out for various reasons, including the public embarrassment caused by the Scopes Trial, differing religious views on the utility of politics, religious intolerance of

church and movement leaders, and a change of message (Wilcox and Larson 2006; Deckman 2004; Cole 1931). The Scopes trial hurt the movement to the degree that it was a public spectacle, which made the anti-evolution proponents look uneducated at best, sparking some movement supporters to desert given the embarrassment caused (Wilcox and Larson 2006). Following the trial, public support as well as support from political leaders and policy-makers for anti-evolution policies dwindled, as the political viability of the movement was called into question (Wilcox and Larson 2006).

Furthermore, the politicization of the anti-evolution movement displeased some key activists and drove a wedge between conservative Christians with conflicting views on the utility of politics (Wilcox and Larson 2006). Most of these differences stem from differing interpretations of the Bible of premillennialists and postmillennialists (Wilcox and Larson 2006). For premillennialists, or the active fundamentalist part of the early movement, Christ will not return until the world worsens and the Antichrist rises, therefore Christians should remain distinct from the sins of the outside world and the politics of that world (Wilcox and Larson 2006). For them, it is foolish to become involved in politics and the secular world; it delays the return of Christ, and may even be dangerous if one gets involved (Wilcox and Larson 2006). For postmillennialists, Christ will return after a period of perfect peace, peace that can be achieved through politics (Wilcox and Larson 2006). For them, the pursuit of morally acceptable policy prepares the world for the return of Christ, politics is therefore a necessary function or purpose of Christians (Wilcox and Larson 2006). While both premillennialists and postmillennialists detested and disagreed with the teaching of evolution, premillennialists became discouraged by the politicization of the movement, and their involvement died off (Wilcox and Larson 2006). Unfortunately, the early wave of the Christian Right was composed in large part by fundamentalists, who have a premillennialist view of the coming of Christ, and this retreat was the retreat of the more active and income-generating members (Wilcox and Larson 2006).

Beyond setbacks the movement suffered as a result of the Scopes trial and the retreat of all but the most extreme fundamentalists, it also suffered due to the religious intolerance of fundamentalist church leadership and changing messages and goals during the anti-communist crusades (Wilcox and Larson 2006). The Christian fundamentalist movement itself was one of extreme separatism, which preached not only separation from the secular world, but even separation from Christian denominations with differing religious views (Wilcox and Larson 2006). Fundamentalist religious leaders were biased against other religious groups and refused to include religious persons from other outside denominations, even if those groups and persons agreed with their opinions and goals (Wilcox and Larson 2006; Deckman 2004). Furthermore, after the initial decline of supporters as a result of over-politicization and the Scopes trial, religious leaders began to change the message and instead focused on anti-communism, a message which was initially a strong point as communism became known for “militant atheism” (Wilcox and Larson 2006, 36). However, this message did not resonate with fundamentalists as well as the anti-evolution message, in part because messages of leaders became bigoted, anti-Semitic, and fascist at times (Wilcox and Larson 2006; Ribuffo 1983). Outside of the separatist nature of the movement, and the decline of supporters resulting from the Scopes debacle and the politicization of the movement, the shift in messages strained the withering “fundamentalist revolt,” and many members began to retreat, taking their time, energy and resources with them (Wilcox and Larson 2006).

Even with the decline of the early movement, the fundamentalist revolt succeeded for a time in pressuring for state legislation, and in exerting enough influence to change textbooks, giving leaders enough steam to claim victories. The lessons and victories carried-on to future generations of evangelicals, showing them that some types of activism may produce policy benefits beyond those pressed for in public arenas (Wald 2003). They further established the role of individual state and church organizations in getting the word to their members, a tool highly useful to future activists (Wilcox and Larson 2006; Wald 2003). In the 1950’s, Christian Right anti-communist activists attempted to apply

some of these lessons, and used a more inclusive message that targeted persons from outside the mainline churches (Wilcox and Larson 2006; Deckman 2004; Wilcox 1992; Wolfinger, et al. 1969). As a result of more inclusive anti-communist messages, the movement was able to bring in outside religious groups as well as secular anti-communists (Wilcox and Larson 2006). In conjunction with anti-communism, this wave of the Christian Right movement focused on the changing nature of the public school curriculum, and the potentially harmful public school quality and environment, particularly as it related to the possibility of communist or secular indoctrination of beliefs and values (Deckman 2004). Additionally, more fundamentalist wings of this movement also became concerned over issues such as federal education aid, school desegregation, the removal of religious symbols and teaching from public schools, and discussions over international politics and the United Nations (Deckman 2004). While the Christian Right was once again able to mobilize members concerned about communism, secularism, and modern attacks on traditionalist religious values, this wave of the movement died out with the end of McCarthyism and the unsuccessful Presidential run of Barry Goldwater (Wilcox and Larson 2006; Deckman 2004).

Similar to the end of the first anti-evolution movement, although a great deal of the activist movement had died out, the core of this phase of the evangelical movement stayed alive as court decisions removed religious text and practice from public schools, and as public schools once again began to implement curricular standards deemed morally objectionable to religious parents (Deckman 2004). The first case to rally the religious right was that of *Engel v. Vitale* (1962), in which the Supreme Court ruled that there could not be a state mandated prayer in the public school classroom. Next, the Supreme Court continued this removal of religion from the public school classroom by ruling in *School District of Abington v. Shempp* (1963) that daily classroom Bible readings were unconstitutional. Adding to these losses, the space race prompted school officials to take another look at science standards and the teaching of evolution and various school districts began to introduce sex education courses in the public school

classroom (Deckman 2004). In regards to these changing policies, evangelicals mobilized for defensive reasons, and, similar to the first wave, they were mobilized by a perceived threat to their beliefs (Wilcox and Larson 2006; Deckman 2004). During the mid-twentieth century, the options available to parents concerned about the content of public education were minimal. The school choice movement was just beginning to gain support, and mostly consisted of policies targeting integration (Witte and Rigdon 1993). Home schools were virtually illegal nationwide, and many states were prosecuting parents based on compulsory attendance laws (Reich 2002; Knowles, Marlow, and Muchmore 1992). The reemergence of evolutionary theory, the introduction of sexual education and the teaching of homosexuality, and the removal of religion from the public schools once again fueled religiously traditionalist parents, concerned that society, and the educational establishment, were attempting to undermine their parental and moral authority over their children (Wilcox and Larson 2006; Deckman 2004). Yet, for the most part, these parents had only one option, and that was continued pressure on state and local districts and the curriculum and textbooks they adopted.

In *Wisconsin v. Yoder* (1972) the legality of home schooling began to change when Amish parents won the legal right to home school their children. Although the Supreme Court ruled that forcing Amish children into the public school system posed a threat to their cultural group and infringed on parental and religious freedoms (*Wisconsin v. Yoder* 1972), many state compulsory attendance laws did not change, and home schooling parents faced the possibility of being arrested and jailed (Knowles, Marlow and Muchmore 1992). It was for this reason that home schooling one's children was still a risky endeavor, with most home schooling families keeping their behaviors a secret (Reich 2002b; Knowles, Marlow, and Muchmore 1992). Religiously conservative parents slowly began to chip away at the legal and social barriers to home schooling, challenging state and local compulsory school laws and regulations, and slowly pursuing legal challenges in the court system (Reich 2002b).

The parental concern and religious activism over the teaching of evolution and science standards soon spilled over into other subject areas, and the content of texts used in history, literature, and reading courses soon came under the microscope of Christian evangelicals (Deckman 2004; Kicheloe 2001; Gabler and Gabler 1985). These course texts were troublesome to religious parents for multiple reasons. For one, literature and reading texts were teaching children to interpret themes from reading materials; a practice which parents did not want spilling over into their reading of the Bible (Deckman 2004; Gabler and Gabler 1985). Secondly, historical teachings began to move away from the “superhero” account of American history, colonialism, and the founders, by identifying the value conflicts and contextually moral decisions that were made to ratify the Constitution; problematic for parents were opposed to teaching that good or bad behaviors and decisions should not be contextualized in this way (Deckman 2004; Kicheloe 2001; Gabler and Gabler 1985). In one more well known instance in Kanawha County, West Virginia in the mid-1970s, evangelical parental objections to language arts texts led to school boycotts, political protests, and even some reported instances of violence (Deckman 2004). This series of events sparked national attention, however, this time the results were more favorable for the Christian Right. In fact, in what Wald (2003) refers to as one of the seeds of the New Christian Right, the school board ultimately found in favor of the will of Christian evangelicals, and removed the objectionable texts. Interestingly, although evangelical parents succeeded in gaining the removal of these texts, some of them still chose to form private Christian schools, and at the beginning of the next school year, two thousand students left the public school system and enrolled in these schools (Deckman 2004).

This victory was not the only one however; evangelical Christians achieved even more steam in battles over gay rights and the Equal Rights Amendment (ERA). In Dade County, Florida, evangelical activists (mobilized by extensive campaigning and Anita Bryant), petitioned for and won a public referendum of a proposed ordinance to include homosexuality in anti-discrimination policy (Wald 2003). This campaign, along with others like it in the late-1970s, was based on a concern that private and

religious schools would be required to hire homosexual teachers (Wald 2003). More importantly, the success of the campaign against the rights of lesbian, gay, bi-sexual, and transgendered (LGBT) persons in Florida, prompted a community-by-community challenge and repeal of similar rights ordinances throughout the nation (Wald 2003). Beyond the rights of LGBT persons, religious conservatives were a strong oppositional force in the failure to ratify the ERA (Boles 1979). Religious conservatives stiffly opposed this proposed constitutional amendment, because it challenged the traditional notion of the role of women in the family and society (Wald and Calhoun-Brown 2007; Burris 1983; Jones 1983; Wohlenberg 1980; Boles 1979; Arrington and Kyle 1978). Beyond just Christian evangelicals, scholars note the importance of the Church of Jesus Christ of Latter Day Saints (LDS) in the failure of state ratification of the ERA, in that most of the states that did not ratify the Amendment had large populations of both evangelical Protestants and LDS adherents (Wald and Calhoun-Brown 2007; D.G. Matthews and De Hart 1990; Mansbridge 1986; Burris 1983; Conover and Gray 1983; Jones 1983; Muller and Dimieri 1982; Wohlenberg 1980; Boles 1979; Arrington and Kyle 1978; Tedin 1978, 1977; Brady and Tedin 1976). These three major victories over textbook adoption, LGBT rights, and the ERA in the 1970's led many scholars to label this the beginning of the New Christian Right, in that the policy achievements gave leaders and supporters the validation that they could actively change state and local policy (Wilcox and Larson 2006; Deckman 2004; Wald 2003; Wilcox 2000; Kicheloe 1983).

By the late-1970's with the election of Jimmy Carter, evangelicals were also revitalized by a Presidential candidate with strong moral grounding (Wilcox and Larson 2006; Deckman 2004), yet, this enchantment with Carter soon ended as a result of his attempt to revoke the tax-exempt status of religious schools not meeting racial integration standards (Deckman 2004; Martin 1996). While not part of their public platform, scholars have noted that many of the private religious schools sprouting up in the mid-twentieth century were a direct avoidance of and challenge to public school integration (Mac Innes 2003; Reardon and Yun 2003; Weil 2002; Valls 2002). Aside from the notion of being forced to racially

integrate their schools, this federal proposal mobilized conservative Christians on the basis of their economic status, and shattered their beliefs that one could stay distinct from governmental intrusion and secular society (Deckman 2004; Marsden 1993). Following President Carter's successful courting of Christian evangelicals, and the resulting loss of their base support from tax-exempt status pursuits, political conservatives saw an opportunity to focus their platform in such a way as to mold evangelical support for the Republican Party (Wilcox and Larson 2006; Deckman 2004; Wilcox 1992; Guth 1983; Moren 1989). Much of this support came from organizations of evangelicals, some affiliated with groups such as the Moral Majority, who were once again organized via church pastors and congregations, whose attention was mainly focused on building church congregations and constructing Christian schools (Deckman 2004). The "third wave" of evangelical mobilization during the late-1970's and 1980's emerged around the traditional evangelical issues, such as the revival of public school prayer, the role of women in the home and society, abortion, and the rights of LGBT persons (Campbell and Larson 2006; Wilcox and Larson 2006). However, the emerging political issue agenda remained broad, and included economically conservative policies such as social welfare spending cuts, with education policies still remaining a vital component of conservative platforms (Hankins 2008; Wilcox and Larson 2006).

The criticism surrounding the public schools continued as religious conservatives voiced their concerns about secular humanistic teachings, and science, sociology, sexual education, and psychology curriculum. Public schools were believed to be subjecting children to secular humanism, or the view that humans are the center of the universe, which runs contrary to their own views about God (Wilcox and Larson 2006; Wald 2003). Religious parents also objected to schools teaching their children that relationships outside of traditional families, such as pre-marital sexual relationships and homosexual relationships were acceptable (Campbell and Larson 2006; Wilcox and Larson 2006; Wald 2003). They further protested the public schools use of value-oriented diversity education, such as the instruction and evaluation of politically correct attitudes and knowledge instead of basic factual information (Wilcox and

Larson 2006; Deckman 2004; Wald 2003). In addition, evangelical Christians and the Moral Majority expanded their message by admonishing the quality of the public school system, and the safety of public schools (Wilcox and Larson 2006). Adding fuel to their arguments, in 1980 the Department of Education was created and instituted a new federal program, Goals 2000 (Deckman 2004). The implications of this program were clear to religious traditionalists—the centralization and federal intrusion into state policy was yet another liberal attempt to impose societies secular and immoral values (Deckman 2004; Wynsma 1997; Marshall 1995; Marshall and Unsworth 1995; Schlafly 1994). The Christian Right found fault with many of the goals this program imposed, such as outcomes based education and the fostering of collaborative work (Deckman 2004; Berliner 1997; Holland 1994; Schlafly 1993). The perceived threat to their children’s education stemmed from beliefs that outcomes based education, it was believed, would test acquisition of desired attitudes, such as resource inequality, multiculturalism, and alternative lifestyles (Deckman 2004; Reich 2002a; Holland 1994), and that the encouragement of group work and success was one again an attempt to impose socialist values and stifle competition leading to children’s individual achievement and success (Deckman 2004; Schlafly 1993).

Beyond objections to the public school curriculum and federal standards imposed on the curriculum, the message of the New Christian Right was also one of economic conservatism, of advancement through individual competition, ballooning governmental budgets, and governmental imposition in the daily lives of citizens (Wald 2003; Johnson and Tamney 2001). This support for economically conservative policies is one which paired nicely with public outcries about the failures of the public education system, as evangelicals were searching for options to immoral public schools, and economically conservative options were appearing in the form of the school choice movement (Wilcox and Larson 2006; Deckman 2004). School choice alternatives are preferable to economic conservatives as they are phrased at the market alternative, creating competition with public schools (Chubb and Moe 1990). Additionally, they are supported by religious conservatives, as well as Catholics, as a means to

use public funding for their child's private or religious education (Wilcox and Larson 2006; Deckman 2004; Weil 2002; Bendyna, Green, Rozell, and Wilcox 2000; Gerner 1996). Beyond being supported by predominantly white evangelicals and Catholics (Gelman 2009), school choice options are also viewed with a social justice lens, and are supported by the African-American community as a means to provide a quality education to minority youth (Gelman 2009; Van Heemst 2004; Weil 2002; Owens 2001; Henig 1996) and more liberally-oriented religious persons and policy makers as a way to close urban achievement gaps (Van Heemst 2004; Howell and Peterson 2002; Witte and Rigdon 1993). While popular amongst economic and religious conservatives and liberals alike, school choice options are highly opposed by teachers unions, and early phases of the school choice movement dwindled as a result (Constant 2006). These school choice losses in the late-1970s and early-1980s left parents with little else except to fight curricular standards in public schools.

This wave of the religious right also failed in other respects. As noted, the church organizations were mainly focused on building congregations and schools, once the message became too politically oriented, the core of the movement once again retreated (Wilcox and Larson 2006). Next, religious leaders, such as Baptist Pastor Jerry Falwell, who acted as the spokespersons for the more politically motivated groups, such as the Moral Majority, did not learn past lessons about the consequences of religious intolerance, and were hostile to religious traditionalists, including evangelical Protestants, mainline Protestants, Pentecostals, charismatics, and especially Catholics (Wilcox and Larson 2006). Additionally, the ability of these large religious groups to raise money through direct mail declined in the mid-1980s, as a result of a string of controversy and scandal emanating from televangelist ministers (Wilcox and Larson 2006). By 1988, while Pat Robertson had done his best to include those of other faiths and keep political issues in the forefront on his television program, his campaign suffered because of religious and racial divides and televangelist scandals (Wilcox and Larson 2006). The religiously traditionalist movement was still hampered by religious intolerance of leaders as well as fundamental

differences in religious beliefs and the role of Christians in politics (Wilcox and Larson 2006). A result of this religious intolerance was a shift in the policy focuses of political leaders, attempting to tone down their religious rhetoric, leading to another decrease in movement activism and influence (Wilcox and Larson 2006; Deckman 2004). On the national level, the third wave of the Christian Right movement effectively died out, however, seeds were planted for the future, and grassroots activists remained at the state and local levels (Wilcox and Larson 2006).

In essence, early formations of the Christian Right and later efforts to mobilize members came via the same means, localized organizations and pre-existent infrastructure (Wilcox and Larson 2006). The recent re-emergence of the movement benefited from past lessons in multiple ways, fundamentally because every wave left a bit of grassroots activism behind in the form of local organizations, organizations which were useful for future mobilization efforts. Similarly, both earlier and later formations of the Christian Right movement focused on the impacts of secular education on their own attempts to socialize their children into their religious beliefs and values (Wilcox and Larson 2006; Deckman 2004). While the most outspoken leaders of past surges of activism and the activists themselves were religiously intolerant, over time they have expanded their message to go beyond evolution, sexual education, school prayer, and tuition tax credits. Their more recent efforts have attempted to overcome the barriers created by narrowly focused messages by creating messages that cut across racial and denominational cleavages, issues such as abortion, the rights of LGBT persons, and educational alternatives like home schooling and school choice (Green, Conger, and Guth 2006; Wilcox and Larson 2006; Moen 1992). These latter policy messages not only admonished the quality of the public education system, but also focused on the various options available to parents wishing to maintain control over their children's moral education.

Following the ruling in *Wisconsin v. Yoder* (1972), some states began lifting compulsory attendance laws, and allowing parents to home school based on claims of parental and religious freedom.

However, this was a small fraction of states, and, in others, religious parents were prosecuted and jailed under compulsory attendance laws (Reich 2002b; Knowles, Marlow and Muchmore 1992). In a continued struggle for the right to home school, fundamentalist parents individually challenged state and local compulsory attendance laws, waiting for the chance for their time in court (Reich 2002b). This ongoing battle came to a raging head, when, in 1987, the 6<sup>th</sup> Circuit Court of Appeals heard the case in *Mozert v. Hawkins County Board of Education*, where a the local school board was being challenged on the use of particular textbooks that fundamentalist parents argued exposed their children to secular humanism and futuristic supernaturalism. In this ruling, the court stated that the text book use was acceptable, under the notion that exposure did not equate to forced confirmation (*Mozert v. Hawkins County Board of Education* 1987). However, while this ruling drew a blow to home schooling advocates, it also drew the attention of states wishing to stay out of the crosshairs of religious conservatives and avoid lengthy court processes. Parents wishing to keep their children insulated from mainstream society continued to press for the legal right to home school, eventually winning the right to do so, as all 50 states lifted compulsory attendance laws and legally allowed home schooling by 1993 (Reich 2002). Beyond home schooling, religious parents upset over the curriculum in public schools continued to attempt to change the curriculum in those schools, or sought other means to educate their children outside of those schools. Parents seeking institutional settings similar to public schools, yet in venues outside mainstream society also continued to pursue policies such as private school choice programs and the establishment of charter schools (Apple 2006; Wilcox and Larson 2006; Deckman 2004; Brighthouse 2002; Weil 2002). Home schooling is a preferable alternative for many parents because it gives full parental control over children's education, yet it was not a constitutionally protected right for religious parents and remained illegal in many states throughout the 1980's (Reich 2002), and does not provide an institutionalized school setting. For parents residing in states where homeschooling was legally risky, other options

became more viable, such as changing the curriculum in the public schools or seeking out alternative schooling options such as private schools and charter schools.

Continuously reflected in these educational policy pursuits is the earlier divergence in Christian opinions about the utility of and involvement in politics and policy. One subgroup is concerned by political involvement and focused on ways to remain outside of secular society, while another is focused on change in the system and maintaining morally motivated involvement in the system (Wilcox and Larson 2006; Deckman 2004). Evangelical involvement in politics and policy has alternated between two lines of thought, one which sees involvement in politics as less important and perhaps even dangerous, and another where politics becomes a pursuit to protect one's religious beliefs and values, particularly as those values are taught to their children (Wilcox and Larson 2006). Charter schools and private schools provide parents an opportunity to educate their children within an institutionalized school setting, where religious parents can have say with regard to curriculum, or choose a school with a morally acceptable curriculum, and their children have more of a social opportunity to interact with society and other children. By contrast, home schools provide parents an ability to opt out of the public school system, and remove their children from the immorality of secular society altogether, particularly those parents who deem any institutionalized school setting as disruptful or even unsafe.

More recent waves of the Christian Right movement learned the lessons from the past and adapted mobilization efforts and messages to become more inclusive of religious groups and races, and have adapted methods to bring in members from outside their own community (Green, Conger, and Guth 2006; Wilcox and Larson 2006; Moen 1992). Nowhere is this more apparent than the framing of the school choice debate, for school choice policies have consistently been advocated as a means to close minority achievement gaps and as alternatives for at-risk students in failing urban districts (Van Heemst 2004; Howell and Peterson 2002; Weil 2002; Witte and Rigdon 1993). On other policies, such as

textbook controversies and abortion, preferred goals are framed in the language of rights, the rights of parents and of the unborn (Wilcox and Larson 2006).

The new Christian Right movement of the turn of the century benefited in that it brought together moral traditionalists from various denominational backgrounds, and focused on the similarities in values as opposed to the differences in beliefs (Wilcox and Larson 2006). Additionally, the recent wave of the Christian Right movement has become a much more politically motivated organization (Green, Conger, and Guth 2006; Wilcox and Larson 2006), as members once turned off by politics have begun to see the value in changing public policies (Wilcox and Larson 2006; Wald 2003). This change in organization and activity is evidenced in the growth of the home school movement which, in the early-1990s, was still being academically debated as a valid movement (Knowles, Marlow, and Muchmore 1992). It has now generated enormous grassroots support building up an entire organization dedicated to assuring the rights of home schoolers within the U.S. (Farris 2009; Cigler, Joslyn, and Loomis 2003; Reich 2002b; Bates 1991) and in other nation-states (Robertson 2010). Finally, the recent revival of the Christian Right has gone through an incredible transformation (Wald 2003; Moen 1997; Bendyna and Wilcox 1997; Rozell and Wilcox 1996), building upon the direct-mail and organizational achievements of the older phases of the movement, and becoming highly organized at the grassroots level (Moen 1995; Bates 1991), with much stronger local organizations (Berkowitz and Green 1997). This more recent movement of evangelicals has capitalized on these lessons and capabilities by maintaining and building state and local organizations of political activists with the goal of infiltrating election processes without generating counter-mobilization efforts (Wilcox and Larson 2006; Deckman 2004). They have targeted Republican primaries in an effort to control candidate selection and election (Wilcox and Larson 2006; Deckman 2004; Sinclair 1996; Jones 1993; Horstman 1992). In addition, they have further pushed for religious school board candidates to target their campaign messages and move under the radar, using language that will mobilize evangelicals yet not too overtly religious to spark the attention of teachers and others

outside the church (Wilcox and Larson 2006; Deckman 2004; Detwiler 1999; Rozell and Wilcox 1996; Sinclair 1996; Jones 1993; Horstman 1992; Moen 1992). Parents wishing to control public school curriculum have become active members within electoral politics, to the point that the religious right elected religiously conservative members to the Kansas State Board of Education, who then removed evolutionary theory from state science standards and tests (Cigler, Joslyn, and Loomis 2003).

Newer attempts to influence policy and mobilize the evangelical base have benefited from the use of language based in the free exercise of parental rights, and the imposition and harm caused by secular education in the public school system (Wilcox and Larson 2006; Wald 2003; Moen 1992). This recent movement has slowly and steadily pushed moral policies and maintained religious activism (Green, Conger and Guth 2006), and has attempted to influence education policy-making at the state and local levels, focusing on the rights of home schooling parents (Wilcox and Larson 2006; Deckman 2004; Reich 2002; Knowles, Marlow, and Muchmore 1992), promoting creationism over evolution in the public school curriculum (Wilcox and Larson 2006; Deckman 2004; Cigler, Joslyn, and Loomis 2003; Larson 1989), limiting school health programs (Doan and Williams 2008; Wilcox and Larson 2006; Deckman 2004; Wald, Button, and Rienzo 2001), and pursuing school choice alternatives for public school students (Wilcox and Larson 2006; Deckman 2004; Weil 2002). Although there remain multiple, national organizations, the Christian Right of today is much more locally-oriented and organized along many smaller, specialized groups or issue niches (Wilcox and Larson 2006; Deckman 2004; Wald 2003; Bates 1991). These organizations focus on a myriad of issues, including prayer in public schools, science curriculum, abstinence only education, school health services, public school textbook adoption and library holdings, legal rights of home schooling parents, school vouchers, and charter school policies (Wilcox and Larson 2006; Deckman 2004).

Overall, the message of the Christian Right has remained consistent over the years, supporting morally conservative policies related to abortion and LGBT rights, with the concern that public schools

are promoting these policies and teaching secular, humanistic values to their children (Wilcox and Larson 2006; Deckman 2004; Detwiler 1999; Gaddy, Hall, and Marzano 1996). In fact, part of the recent public campaigns against homosexual marriage laws in California, Maine, and Washington have centered on the prospect of teaching children about same-sex relationships and parenting, and indoctrinating children with homosexual values and behaviors. Some parents have reacted to the concern over secular public education by attempting to influence public school curricula at the state and local levels, as is evidenced by the claim that these legal allowances of same-sex marriage will force children to learn that homosexuality is acceptable behavior. A second group has sought out public school alternatives such as school choice alternatives, enabling a school setting while keeping their children out of the public system and giving them curricular control. Finally, a third group of parents has instead chosen to opt out and home school, keeping their children outside of mainstream, secular society and schools altogether.

### **State Educational Reforms**

States are central to the understanding of education policy. The regulation of education is not a formal power given to the national government in the US Constitution, and the Tenth Amendment provides that all powers not given to the national government are reserved powers of the states. State governments are therefore free to adopt and regulate education policy as they see fit, and can pick and choose policies which are most preferred by their constituents or are most applicable to their particular political contexts. This creates a system in which states with different constituents have different education policy outputs. As states are a central focus of religious conservatives pursuing favorable education policies, states vary in the degree to which they allow and regulate these various policies. In the last few decades, religious conservatives have had more of an opening to influence educational alternatives at the state level. However, not all states have the same distribution of constituent interests or the same degree of religious presence, such that not all states offer the same educational policy alternatives or regulate them in the same manner.

Ultimately, education reform alternatives such as home schools, school vouchers, and charter schools brought together an eclectic mix of liberal-minded reformists, religious conservatives and economic conservatives (Wilcox and Larson 2006; Reich 2002; Knowles, Marlow, and Muchmore 1992; Chubb and Moe 1990). As noted, home schooling provides parents an ability to opt out of the public school system and secular society altogether, but parents do not receive any public funds to support the home school (yet they still pay in tax dollars to support public schools). Private and public school choice provides a favorable alternative to public schools, as parents are still able to educate their children within an institutional school setting, but, up until more recent court rulings (*Zelman v Simmons-Harris* 2002), states were not allowed to use public funds to support religiously affiliated schools. With regard to school choice alternatives, both vouchers and charter schools are public schooling alternatives which are targeted toward closing minority achievement gaps and providing at-risk youth in crumbling urban schools with the opportunity of a higher quality education (Viteritti 2007; Van Heemst 2004; Howell and Peterson 2002; Witte 2000; Witte and Rigdon 1993), an argument that appeals to parents from a socially just perspective (Viteritti 2007; Van Heemst 2004). Interestingly, school vouchers and charter school alternatives also appeal to a group typically opposed to social justice policies and social welfare spending, economic conservatives, on the grounds that they create competition with low quality schools, and this competition will force failing public schools to reform and improve (Viteritti 2007; Constant 2006; Witte 2000; Witte and Rigdon 1993; Chubb and Moe 1990). And, as noted, school choice alternatives are also appealing to religious conservatives, on the grounds that choice options will provide their children the benefits of school institutions, will give the parents control over their child's moral education, as well as providing them with their piece of the school funding pie. In regard to home schools, religious traditionalists are not the only group that has had a history of support for home schooling. Parents concerned over the quality of the public education system (particularly nationalistic and capitalistic teachings) and the methods of teaching used in public schools were some of the first parents to home

school their children (Reich 2002b; Emirbayer 1992; Knowles, Marlow, and Muchmore 1992). While most of the parents involved in home schooling in the Cold War era were pedagogically oriented parents concerned about nationalistic and capitalistic teachings in public schools, the movement gained popularity with religious parents concerned about liberal, anti-religious teachings in public schools (Emirbayer 1992; Knowles, Marlow, and Muchmore 1992), and, once home schooling became more socially and legally acceptable, religiously motivated parents and families became a majority of the home school movement (Reich 2002).

*Private School Choice:*

Early school choice alternatives to public schools focused on the integration of schools via magnet school alternatives, followed by increasing opportunities with open-enrollment policies (Witte and Rigdon 1993). However, these reforms soon took a back seat to school choice programs such as school vouchers and charter schools (Witte and Rigdon 1993). School vouchers are one choice alternative which provides parents a government funded voucher for their children's attendance in a school of the parent's choice which has been approved by the state (Witte and Rigdon 1993). The monies paid from state tax revenues to parents who then sign the check over to the private school of their choice, are promising to religious parents as they would be able to use public funds to pay for the religious instruction of their children (Wilcox and Larson 2006; Deckman 2004; Weil 2002; Witte and Rigdon 1993). They appeal to economic conservatives on the grounds that they create competition with low quality public schools, and this competition forces failing schools to reform and improve (Chubb and Moe 1990). In addition, as some scholars have argued, some parents view private schools and school vouchers for private schools as means to avoid racially integrated schools (Mac Innes 2003; Reardon and Yun 2003; Weil 2002); and, as such, became the alternative of preference for many since universal voucher policies pursued by economic conservatives do not restrict student participation based on race, need, location, or religious affiliation (Coons and Sugarman 1999; Chubb and Moe 1990). Beyond being

avored by religious and economic conservatives, the use of school vouchers is favored by liberal-minded reformists with social justice concerns (Van Heemst 2004; Howell and Peterson 2002; Coons and Sugarman 1999), as well as both whites and African-Americans (Gelman 2009; Owens 2001). Vouchers are seen as a means to close minority achievement gaps and increase the educational opportunities of at-risk youth, appealing to liberals with social justice motivations in mind (Viteritti 2007; Van Heemst 2004; Witte 2000; Witte and Rigdon 1993). As a result, vouchers have become a popular alternative with parents from various political backgrounds, both liberal and conservative alike.

For religious parents, school vouchers are a preferred policy, as parents are able to use government funding to pay for their child's religious education. While religious traditionalists have historically sought out private schooling alternatives, they have maintained hostility to public schools because they end up paying taxes for the education of other people's children on top of paying the private tuition for their own children. Vouchers are the way around this problem; they return the tax monies to parents, and parents have lower private schooling costs. For religious parents to receive this voucher benefit, vouchers must be universal, allowed for all children regardless of race, income, or religion. However, religious parents and schools have fought an uphill battle in the courts in the face of opposition claims that vouchers for religious schools are a violation of the separation of church and state (Brighthouse 2002; Weil 2002). More recently, the Supreme Court has ruled in *Zelman v. Simmons-Harris* (2002), that an Ohio state law which allowed school vouchers to be used to attend religious schools was constitutionally allowable, as the state did not mandate that the vouchers were to be used on religious schools, did not mandate a religious curriculum, and those schools offered nonreligious alternatives (Lips and Feinberg 2007). With this recent court ruling in combination with state laws, other private school choice policies such as scholarship tax credits for individuals and corporations have taken on new life. These programs provide tax incentives in the form of credits to those who donate monies to scholarship programs, where these scholarships may be used to supplement tuition for students in private schools,

both religious and secular. Beyond this tax incentive, some states allow for parents to claim tax credits or deductions for the monies paid for their child's tuition in a private school, without regard to religion, and this incentive is constitutionally legal (*Muller v. Allen* 1983).

While it is constitutionally allowable to use vouchers for religious school tuition, and allow for tax preferences for tuitions or scholarships paid to religious schools, at the state level, the battle has waged on. In some states, vouchers can be used to pay tuition for private religious schools, while in others vouchers can only be used for secular private schools. Although highly favored by religious conservatives, parents pushing for these reform alternatives have consistently fought an uphill battle within states, where gains in one arena, like the legislature, courts, or public opinion are countered with losses in another arena (Kossan and Gersema 2009; Lips and Feinberg 2007; Vu 2007; Peterson 2005). In 2007, Utah passed a universal voucher law, which was later overturned by public referendum (Kossan and Gersema 2009). Other states such as Florida, Colorado, and Arizona have implemented school voucher laws, only to have them struck down by the courts (Lips and Feinberg 2007). Finally, in states that legally allow vouchers, and fund voucher programs, participation is generally limited to students based on their geographic location and parental income (Kossan and Gersema 2009; Lips and Feinberg 2007; Vu 2007; Peterson 2005). While this reform was highly supported by the Christian Right in its inception, and much of the mobilization over school vouchers has been a result of religious activism (Weil 2002), school vouchers also raised a great deal of attention and ire from teachers and public school groups and interests, because they take monies from the public school budget (Constant 2006). The popularity of school vouchers amongst religious conservatives has not generated as many victories as the movement would like, and this is evident in the number of students involved in voucher programs. As of 2007, the Heritage Foundation reported that approximately 150,000 students were involved in some sort of school voucher program (Lips and Feinberg 2007). Following the intense opposition from teachers'

unions, reformist and religious parents sought out other school choice measures which were not as repulsive to teachers and administrators, charter schools (Witte and Rigdon 1993).

### *Charter Schools*

The continued and vocal opposition to school vouchers from public school advocates and teachers unions prompted school choice supporters to seek alternative means, such as charter schools, which were not so vehemently opposed by teachers (Constant 2006). Charter schools are a market-based, school choice program in which the school is independently operated, yet the funding is provided via states or localities, appealing to economic conservatives seeking to increase competition with public schools, by forcing those schools to improve quality and fiscal accountability (Mintrom 2001; Chubb and Moe 1990). Similar to vouchers, charter schools are supported by advocates for disadvantaged children, as they are framed in a context of providing opportunities for at-risk or minority children to receive a quality education (Gelman 2009; Viteritti 2007; Howell and Peterson 2002; Owens 2001; Coons and Sugarman 1999; Henig 1996; Witte and Rigdon 1993). Charter schools are part of the larger urban school reform movement, and are a policy which has been embraced by both liberals concerned about improving urban school opportunities and conservatives searching for ways to reduce the financial waste associated with public school spending.

The charter school alternative gives the chartering entity, whether it is parents, teachers, or some other collective, the ability to set their own curriculum, which is ideal to morally traditionalist parents with concerns about public school curriculum and public funds used on that curriculum. Similar to the school voucher, it gives parents a chance to use their piece of the school funding pie to send their children to a school with a morally acceptable curriculum, to the degree that states allocate per pupil expenditures to the charter schools. While teacher's groups were highly mobilized against school vouchers, they were less opposed to charter schools (Constant 2006). Constant (2006) found that the National Education Association (NEA) was generally opposed to charter schools in 1996, but deemed them to be a reasonably

acceptable alternative provided that they did not negatively impact public schools and divert school monies, and as long as they conducted periodic testing. Similarly, state teacher's organizations were strongly opposed to school vouchers, but less so in the case of charter schools (Constant 2006). The differing levels of opposition across school choice programs are evidenced by the sheer number of charter school students in states when compared to those served by vouchers. As of the 2006-2007 school year, 40 states and the District of Columbia were operating over four thousand charter schools which served over one million students (NCES 2008). Additionally, as it has been left to states to adopt and implement charter school policies, the regulation of charter schools has been highly varied across states.

### *Home Schooling*

Home schooling is the process of teaching children in the home, outside of a campus-based school, and under the supervision of a parent or guardian (Reich 2002b). Home schools have been present throughout American history, and first becoming popular with wealthier urban households in the late-eighteenth and early-nineteenth centuries (Reich 2002b; Emirbayer 1992). However, as the number and diversity of immigrants flocking to the US grew and expanded, common public schools created a way to Americanize the new populations, and compulsory schooling laws were instituted (Reich 2002b; Emirbayer 1992). As such, home schooling became illegal and was viewed as socially taboo, and remained as such throughout the rest of the nineteenth and early-twentieth centuries (Reich 2002c; Emirbayer 1992; Knowles, Marlow, and Muchmore 1992). Beyond the illegality of home schools, public schools were still acceptable alternatives for religious traditionalists, since Christian values and teachings were a part of the public school curriculum, as were daily prayers and Bible readings (Deckman 2004). In the mid-twentieth century, home schooling became attractive to parents from both liberal and conservative circles (Knowles, Marlow, and Muchmore 1992). Liberal-minded reformers were a large part of the early groups of home schooling parents, as some detested the nationalistic, capitalistic teachings in public schools, and others found more pedagogically oriented, child-driven instructional

approaches (Knowles, Marlow, and Muchmore 1992). However, as public schools began to implement curricula and texts deemed to be immoral by religious parents, home schooling became an attractive means for parents seeking to opt-out of the public school system (Reich 2002). As a result, the movement soon became dominated by religious parents, and many of the gains in the legality of home schooling happened as a direct result of religious parents (Knowles, Marlow, and Muchmore 1992). Religiously conservative parents seeking to opt out of the public school system were soon presented with an option in home schooling, with the Supreme Court ruling in *Wisconsin v. Yoder* (1972). After this decision, religious conservatives began the slow process of legally challenging state and local compulsory schooling laws, risking arrest and imprisonment (Reich 2002b; Knowles, Marlow, and Muchmore 1992). Eventually, thanks to these state battles, evangelicals won the legal right to home school in all 50 states by 1993 (Reich 2002b), and achieve policy victory in the face of defeat. The inclusion of evolutionary theory and other morally offensive material in public school texts, the teaching of civil rights, diversity, and tolerance education in public schools, the establishment of school based health centers, and the repeal of religious teachings and practices from public schools led religious parents to re-evaluate the utility and attractability of home schooling.

The legally allowable public school opt-out provision soon gained popularity with religious parents, and home school numbers grew. By 1999, an estimated 850,000 students were home schooled, with that number increasing to over 1 million by 2003 (National Center for Education Statistics [NCES] 2005) and close to 2 million by 2008 (National Home Education Reform Institute [NHERI] 2008). The estimated seven percent per year increase in the number of home schooled children has overwhelmingly been attributed to increases in religiously motivated home schools (Wilcox and Larson 2006; Cigler, Joslyn, and Loomis 2003; Reich 2002; Cushman 1996; Knowles, Marlow, and Muchmore 1992). In a survey of home schooling parents in 2003, the most frequently cited reasons which prompting them to home school their children were the desire to religiously educate their children and concerns over the

school environment (NCES 2005). Following state policy victories for the legal allowance of home schooling, religious parents began to set their sights on the regulations surrounding home schools, where religiously conservative parents detest any governmental interference in the operation of their home schools (Deckman 2004). At the base, the reason that home school figures must be estimated is that some states do not even require notification of home schooling; children simply do not register for or attend school. However, in other states, home schools are heavily regulated from notice to attendance to testing to instructor certification (Home School Legal Defense Association [HSLDA] 2008).

### **Religious Explanations of Policy Outcomes**

The culture wars thesis would suggest that the history of religious activism and mobilization has occurred around two central worldviews. The morally traditionalist worldview is one which objects to modernist progressive ideas about feminism, civil rights, abortion, sexual behavior, and educational content (Deckman 204; Wald 2003). This battle has been waged over various issues, and historically has played itself out within the education policy arena. While older manifestations of the evangelical Christian movement have excluded persons from other religious denominations, more recently, this movement has become more inclusive and brought together traditionalists from many different denominational backgrounds (Wilcox and Larson 2006; Wald 2003). As suggested by the culture wars thesis, these differences have played themselves out between the traditionalist and progressive wings within religious groups, such as evangelical and mainline Protestants, and conservative and progressive Catholics (Deckman 2004; Wald 3003). Early evangelical movements suffered because of their religious intolerance, while later efforts attempted to bring in religious groups beyond fundamentalists and create a wider message to reach broader audiences (Wilcox and Larson 2006; Wald 2003). The new formation of the Christian Right is comprised not only of a large group of evangelical Protestants, but also includes persons from other religious denominations, such as Catholics and LDS adherents with morally conservative and traditionalist views.

### *Evangelicals*

At the very core of this movement are evangelical Christians. As noted, this group is one which has historically been mobilized and active over various traditionalist arguments, the core of which surround education policies such as curriculum, school choice options, and home school legality. They are frequent church attenders, with conservative views about the role of women in society, sexual behavior, and abortion (Wilcox and Larson 2006; Wald 2003). Furthermore, past research has found a relationship between evangelicals and economically conservative opinions, with less support for government spending on social programs and aid to the disadvantaged (Wilcox and Larson 2006; Hoover, Martinez, Reimer and Wald 2002; Johnson and Tamney 2001; Barker and Carman 2000). The combination of social and economic conservatism leads many evangelical parents to detest the public school system not only due to the perceived lack of morality, but also because of the amount of money spent on those public schools (Wilcox and Larson 2006). The recent influx of school choice alternatives appeals to evangelical parents on moral grounds and economic grounds. The tax dollars they pay into the public school system can now be spent on the education of their children in private religious or charter schools. Additionally, other private choice policies provide preferential tax treatment for monies paid for tuition or donated to scholarship programs. This gives parents the ability to control school curricular standards, as it is with the case of charter schools, or to choose a school with a morally acceptable curriculum, such as a private religious school. In this case, religious conservatism and economic conservatism go hand-in-hand as religious parents pursue alternative uses of public funds for increased freedom to choose the content of their child's education.

While evangelicals are expected to prefer the adoption of school choice policies, they are not expected to support their regulation and limitation. For private school vouchers, this would lead one to believe that evangelicals will be more likely to support voucher programs that are universal, and do not restrict participation based on sectarian or secular schooling, parental income, race, or location. In

addition to school vouchers, religious conservatives are expected to support tax breaks for tuition expenses paid to religious schools and donations to scholarship programs. For charter schools, the moral and economic conservatism hypothesis would lead to the expectation that evangelicals are likely to push for state adoption of charter schools, and will be against stringent governmental regulation of these schools. With regard to regulation of charters, evangelicals are expected to be against limitations on religious charter schools, and are expected to favor policies which specifically permit or essentially allow the operation of religious charter schools. Furthermore, evangelicals are less likely to favor instructor certification requirements, curricular requirements, standardized testing, or any policy that would attempt to impose governmental influence like educational adequacy checks, and are expected to oppose any policy which limits the operation of charter schools, such as limited appeals processes.

Regarding home schooling, evangelicals have historically favored the legalization of home schooling and the end of compulsory attendance laws on the grounds that public schools are promoting secular humanism and are exposing and indoctrinating their children with beliefs and values contrary to their own religious viewpoints. Similar to school choice policy preferences, evangelicals support the legalization of home schooling with limited or no regulation of home schooling. However, in contrast to vouchers and charters, home schools are now legal in all 50 states in the US. Therefore, evangelical mobilization and policy activism is focused on ensuring that home schools can be operated as parents see fit, and that states remain outside of the doors of the home school. Although home schools are legal in every state, the degree to which states impose restrictions and regulations on home schools are widely variant. For one, some states do not impose any restriction on home school operation, not even a basic requirement to notify the state or local board of existence. In states that require notification, this notification varies as to the frequency of notification, and elements required for notification. States also diverge when it comes to identifying parental instructor qualification minimums, curricular standards and submission, evaluation standards, frequency, and submission, and educational adequacy checks. It is

expected that evangelical parents will not be supportive of any of these restrictive requirements, such that states with large proportions of evangelicals will be more likely to allow for the use of school vouchers and the operation of charter schools, but will be less likely to restrict and regulate the operation of these school choice options as well as the operation of home schools.

### *LDS Adherents*

LDS adherents are a religious group outside the traditional definition of Evangelical Protestant considered to be socially and morally conservative (Wald 2003). For example, as Wald (2003) notes, a large portion of states that did not ratify the Equal Rights Amendment had large groups of evangelicals or LDS members. While LDS members are less likely than the general public to educate their children in private or home schools, they are known for higher intensity beliefs and practices than evangelicals, and are likely to have morally traditionalist values and attend church regularly (Pond 2009; Pottinger 2009). Additionally, they are understood to be more ideologically conservative and Republican than evangelical Protestants, and have morally conservative attitudes toward abortion and homosexual relationships (Pond 2009). A recent PEW (2009) study found a higher proportion of LDS members report attending church weekly than do evangelical Protestants, and subsequently determined that LDS members are more socially and politically conservative than evangelical Protestants. Looking at this study, LDS members have a preference toward limiting abortion (70% choosing illegal in all or most circumstances) and discouraging homosexuality (68%), but are split in terms of government spending (56% choosing smaller government with fewer services) and support for the needy (49% in favor) (PEW 2009).

From these studies, one can hypothesize that LDS adherents have policy concerns similar to those of evangelical Christians. They have politically and morally conservative opinions with regard to key policy measures, and have recently displayed this conservatism in the fight over gay marriage rights in the state of California. LDS members are therefore included in this analysis, as they are expected to favor the legalization and adoption of private school choice policies, charter schools, and home schools. In

terms of private school choice and charter schools, the expectation is similar to that of evangelical influence, LDS populations will pursue the legalization of school choice alternatives, but will oppose restrictions placed on those options, particularly those restrictions which limit religious freedoms and impose governmental standards. As for home schools, the expectation is also similar to evangelical expectations; LDS populations will negatively influence state regulation of home school, such that states with large populations of LDS members will be less likely to regulate notification, curriculum, and testing standards of home schools.

*Catholics:*

Catholics are a group which has been identified as being split across the dividing lines of the culture wars. School choice policies are framed as a morally acceptable alternative to public schooling, as an economically conservative schooling reform, and as social justice policy. Catholics have historically been a group which established private religious schools within the church, and provided parents a religious option to the public school system (Wilcox and Larson 2006). As past research has found a relationship between social conservatism and economic conservatism (Hoover, Martinez, Reimer and Wald 2002; Barker and Carman 2000), other, more recent works have noted the difference in social and economic conservatism between white and black evangelicals and groups within Catholicism (Wilcox and Larson 2006). White evangelicals are likely to be both socially and economically conservative, whereas black evangelicals tend to be socially conservative and have opposing opinions on social spending on aid to the disadvantaged; this same trend can also be seen within Catholic adherents, where one group favors social spending and another is opposed to it (Wilcox and Larson 2006). While this distinction is important in many policy areas, in terms of school choice policy, these seemingly separate stances are both incorporated into the framing of the positives of charter school policy.

While some Catholics are religiously and socially conservative (Johnson and Tamney 2001; Bendyana, Green, Rozell, and Wilcox 2000; Gerner 1996; Bendyna 1995), others are more progressive

and concerned about social welfare spending and social justice policies (Wilcox and Larson 2006). From a social justice standpoint, progressive wings of the Catholic Church favor choice policies as they give at-risk youth in urban school districts hope for a better quality education than that offered at their crumbling public school. Vouchers and charter schools are morally suitable alternatives to public schools which can also provide disadvantaged youth a quality education. They are favorable for those advocating social justice policies as well as those typically opposed to social programs. Additionally, they are a market-based reform favored by economic conservatives, which spur competition with public schools and provide a quality alternative. As a group, Catholics are most likely to support school vouchers for religious schools (Constant 2006; Weil 2002), but, have recently been identified as a group which should be supportive of charter school policies as budget crises have motivated restructuring into charter schools (Hernandez 2009). In regards to home schooling, because the Catholic tradition has generally centered on the creation and operation of private parochial schools and Catholics have not been a major part of the home school movement or home school groups, Catholics are expected to influence the use of school vouchers and allowance of charter school operation; but no Catholic influence is expected for home school policy. In sum, Catholics are expected to support the adoption of school choice policies, such that states with large proportions of Catholics will be more likely to allow use of school vouchers and operation of charter schools, while opposing any governmental restriction on the use of vouchers or operation of charter schools. However, with the social justice opinions of many Catholics, it would not be too far outside expectations if Catholics are more likely than evangelicals or LDS members to support targeting these choice programs to at-risk, urban, or minority youth

### **Other Explanations**

In addition to the influence of these religious groups, this analysis will include variables to test alternative explanations which scholars have found important in the adoption of policy. First, many political factors have been shown to influence state policy adoption and regulation, from partisan control

and interest group influence (Allen, Pettus, and Haider-Markel 2004; Woods 2005), to legislative professionalization and state capacity (Squire 2007; Berry and Berry 2007). The next set of state characteristics which influence policy are those categorized by the states motivation and need (Sharp and Haider-Markel 2008; Berry and Berry 1990). Finally, some researchers have found the ideology of the state citizenry to be an important determining factor in state policy adoption (Clingermayer and Wood 1995; Wright, Erikson, and McIver 1987).

Alternate explanations will be tested for each of the above categories, except for that of citizen ideology. For one, the findings on the influence of citizen ideology have been varied (Sharp and Haider-Markel 2008). Furthermore, this variable is highly related to the key variables of religious population proportions. As for the political factors, the state partisan explanation hypothesizes that economic conservatives are more likely to support school choice alternatives, such as school vouchers charter schools, because they are a market alternative to public schools providing educational competition in the district and increasing all school quality (Mintrom 1997; Witte 2000; Chubb and Moe 1990). Therefore, states under Republican control are more likely to allow the private school choice policies and the operation of charter schools. Yet, politically conservative states are also less likely to restrain and regulate, such that these states will be less likely to restrict private choice, charter and home school policy once adopted. As for state capacity and legislative professionalization, when a legislature is highly professionalized, its policy-making capabilities increase, and policy adoption is more likely, particularly with innovative reform policies such as vouchers and charter schools. In regards to home schooling, this would lead one to expect that states with highly professionalized legislatures are more likely to regulate home schools, thus acting in the opposite direction of Republican control.

The next set of alternative explanations deals with the state's motivation to adopt policies and the need for the policy based on the magnitude of the problem they intend to solve. In terms of school choice adoption, vouchers and charter schools are a reform alternative for urban areas framed in the context of

providing improved educational opportunities to disadvantaged or at-risk children (Mintrom 1997; Witte 2000; Chubb and Moe 1990). In addition, they are also favored by some policy analysts because they apply a business model to the organization and operation of schools, meaning, they are thought to decrease waste (Mintrom 1997; Witte 2000; Chubb and Moe 1990). Therefore, states where the educational need is great and the student outcome problem severe (i.e. the quality of public schools is low) are hypothesized to be more likely to allow school choice options. It is expected that state regulation of school choice options are more likely targeted toward at-risk, urban, or minority youth. However, in states with low quality schools, home schools provide a feasible alternative which removes state responsibility, and they are therefore not likely to restrict and regulate these schools. States that provide a large share of the funds for public schools are more likely to adopt choice alternatives in an effort to control fiscal waste. The same line of rationale applies to the regulation of home schools. If states pay a large percentage of the school budget, they will encourage parents to opt out of publicly funded schooling and will encourage home schooling by not regulating the operation of home schools. Finally, school choice alternatives are grounded in research on urban school reform (Witte 2000; Mintrom 1997; Chubb and Moe 1990), leading one to the hypothesis that states with large urban areas and populations will be more likely to adopt choice alternatives. As far as regulation of school choice options, advocates of school choice alternatives for urban districts are adamant that these policies can only succeed when the government removes itself and drops regulations, thus allowing the free market to do its work. Therefore, states with large urban populations are less likely to impose restrictions on school choice reforms once they are in place, except those reforms that target urban school children, such as targeting vouchers or giving special charter school preferences for youth in urban areas. In terms of home schooling, it is expected that home schools are favored by persons from rural and suburban areas, such that the regulation of home schooling is more likely with state urbanization. However, it is worth noting here that urbanization and school quality are highly related concepts, in that much of the failure of public schools

has been identified as a failure of urban public schools. From this, it would be expected that urbanized states with low quality inner-city schools would want to give parents all possible schooling alternatives. These schools are also deemed to be huge financial burdens, where states might encourage home schooling as a way to shirk financial responsibility to public schools. Finally, home schooling is becoming more popular with evangelicals in suburban areas, areas which are included as part of the classification of a greater metropolitan area. Ultimately, the desire to provide quality alternatives to low-quality urban public schools, the strategy of reducing state financial burdens, and the inclusion of suburban areas in the concept of urbanization leads to the possibility that urbanization may have a similar influence as dropout rate.

The influence of organized interests in educational policy matters is widely studied. Teachers unions are generally opposed to any school reform measure which allocates public school funds to private schools, or any schools independent of state and local control (Constant 2006). In regards to this research, both school vouchers and charter schools are schooling entities which receive public school funds and are generally exempted from the laws and regulations typically imposed on public schools. While teachers unions are generally opposed to any reforms which siphon funds from public schools, in the mid- to late-90's the National Education Association (NEA) was highly mobilized against school vouchers, but was less opposed to charter schools (Constant 2006). The national organization, and most state organizations, constrained opposition to charters by noting that they were a reasonably acceptable alternative to public schools, provided that they did not negatively impact the public schools and divert school monies, and as long as they conducted periodic testing (Constant 2006). One reason for this divergence in school choice position-taking is that charter school alternatives were under the radar to some degree as they were the newer reform alternative, whereas school vouchers were an alternative which had received a greater deal of media attention over a longer period of time. More recently, as charter schools have become more popular as a choice reform, teachers unions have become more vocally

opposed to charter schools, one of the major reasons being that they divert public school funds to independently operated schools. Teachers unions have been found to influence the flexibility of charter school laws, yet not the accountability (Schober, Manna, and Witte 2006). For this analysis, teachers unions are expected to have a greater negative influence on voucher adoption than charter adoption, and are expected to positively influence the regulation and limitation of these policies (if adopted), such that states with strong teacher groups are more likely to restrict voucher use to specialized groups and are more likely to restrict the operation of charter schools. As for home schooling, teachers groups have lost the battle over legalization, yet, continue to fight the fight for regulation, specifically the regulation of records and content (Cigler, Joslyn, and Loomis 2003). States with strong teachers unions are expected to increase the likelihood of requirements and regulations placed on the operation of home schools, such as notification policies, teacher/parental qualification standards, curricular standards, and evaluation requirements; and are expected to be most influential in regards to notification procedures and evaluation requirements, as they support knowing which students are being home schooled, and ensuring these students are held to the same testing standards as students in the public school system.

**Overview:**

The chapters to follow will analyze the influence of religious evangelicals on the state adoption of private school choice and charter schools, and the regulation of charter schools and home schools. The second chapter discusses the data sources and measurements chosen and used throughout chapters three through five. The third chapter addresses the role of religious groups in state adoption of school vouchers. At the time of this analysis, only 14 states have private school choice policies, and the states that do have private school choice policies allow them to varying degrees. While evangelicals have been a driving force in the voucher movement, they have also come into stiff resistance from teachers unions. This opposition has prompted an expansion of preferred policy to another choice option, charter schooling. Charter school policies are analyzed in the third chapter with the expectation that since charter

schools have come under less scrutiny from teachers unions and the public, they are more likely to be adopted by states (evidenced by the fact that 40 states allow charters), and will encounter less opposition regarding strict regulation of the schools. Finally, home schools are a legal right of parents, and are therefore allowed to operate in all 50 states. The fourth chapter will not focus the legalization of home schooling and will instead analyze religious dimensions of home school restrictiveness and regulation. Finally, this analysis will close with a discussion of common themes encountered in chapters three through five, will identify limitations to these findings, and will share thoughts and implications for the future, as well as areas where this analysis can be expanded to generate a deeper understanding of the religious dimensions of public school reform alternatives.

## Chapter 2: Data and Measurements

As described in the first chapter, this research tests the influence of religious groups (evangelical Christians, LDS adherents, and Catholics) on state adoption and regulation of three education policy choices, private school choice policies, charter schooling, and home schooling. These three policy areas are selected for analysis because they are expected to be viewed by religious parents as favorable alternatives to public schools. Consequently, while the analysis chapters test hypotheses with different dependent variables, the independent variables of interest, and the alternative explanations remain the same across analyses. Therefore, this chapter describes the data and measurements chosen for the analyses presented in chapters three, four and five; going into detail about all independent and dependent variable measurements, and data sources. In addition, brief discussions of distributions and bi-variate relationships are presented throughout.

### **Explanatory Measures:**

#### *Religious Adherents:*

In choosing an appropriate measure of religious adherents, one must account for a variety of factors, such as the differences between religious groups, and between adherents within religious groups. As noted, this research expects three religious groups to be important with regard to educational policy choices, evangelical Protestants, LDS adherents, and Catholics. However, these religious groups are not expected to have the same preferences across the three policies, such that measures chosen should keep these groups separated. Additionally, as Culture Wars (Hunter 1991) theory would predict, adherents within religious groups have different views with regard to moral issues such as abortion, such that, wherever possible, one should separate these adherents into separate groups for the purposes of analysis. In using the Glenmary Research Center's compiled data on religious adherents and congregations, one can separate religious groups, and can divide the conservative and liberal adherents within one religious group, Protestants.

While some researchers have used the Conger and Green (1994) measure of the Christian Right's influence in the Republican Party, this research will not do so as its use would limit the degree to which other religious groups could be examined. Instead, this research defines evangelical in the same way as other scholars (Wilcox and Larson 2006; Wald 2003), and uses a measurement derived from the discussion of the classification of American religions in Steensland, et al. (2000). The classification scheme set out by Steensland, et al. (2000) was adopted by the Association of Religion Data Archives (ARDA) and Glenmary Research Center (GRC) for their 2000 data collection effort of American religious adherents and groups, and for a compiled measurement of evangelicals. The Glenmary (2000) data also provides separate measures for Catholics and LDS adherents, yet does not separate the conservative and liberal adherents within these groups as it does for mainline Protestants and evangelical Protestants. The Glenmary (2000) data allows for the separation of religious groups, and the separation of Protestant denominations, but is limited in that it cannot divide conservative and liberal Catholics and LDS adherents; however, it still provides ideal measures, given the alternatives.

In addition to the definition of evangelical, and the separation of religious groups from one another, there are debates amongst scholars about which type of measurement best captures the degree of religious adherence within a state. This research will test the role of religion using two types of measurements for each religious group. Since the evangelical movement has had great success in mobilizing support through its network of church organizations, number of religious congregations is used to account for congregational mobilization. In support of this measurement choice is the Catholic tradition of parochial schooling, and the recent trend of school conversion, as well as the LDS tradition of religious group schooling. Religious congregations are instrumental sources of organization when attempting to mobilize the Christian Right and other religious persons, such that the larger the numbers of congregations, the easier these groups mobilize, and the more pressure there will be on the state government. Therefore, the influence of religious groups will be measured using the number of

congregations for evangelical Protestants, Catholics, and LDS members. Beyond this measurement, the rate of adherents to particular religious traditions has been used by past researchers, under the assumption that it provides a better picture of the concentration of religious populations within states. This research also tests hypotheses using the rate of adherents per one thousand in the state population, as it may provide a more normalized measure of the proportion of religious persons in a state. It is expected that the results of these two measurements are not widely different. However, the measure using the number of congregations should provide a bit more explanatory power for the private school choice and charter school measurements, and the population rate measurements should provide a bit more explanation for home school measurements, given the history and trends associated with each education policy as discussed in the first chapter.

*Other Explanations:*

For this research, state education policies are measured for 2005 or after, and the key religion-related independent variables are measured in 2000. The additional measures needed to test alternative explanations are selected based on validity, as well as proximity to 2000. Measures of political variables are straight-forward. First, Republican control of the legislature is measured by the percentage of legislative seats held by Republicans in 2000. Legislative professionalization is measured using Squire's (2007) index of professionalization for the year 2003. This index is composed of various components, such as salary, benefits, staff, resources, and time spent in session (or on other service activities) (Squire 2007). While not the most recently composed index, it is closer in proximity to the key variable of interest. Furthermore, Squire (2007) notes that this earlier index is still an adequate and appropriate measure of professionalization. The measures of state financial motivation are based on the percentage of the education budget that is provided by the state and was collected from the Department of Education's Common Core of Data for the year 2000. As for need in a given state, this can be estimated using one of many measures of state education quality or outputs. A preliminary measure of educational output will

follow along the lines of many education policy scholars, and will use the state drop-out rate in the 2002-2003 school year. If this rate is high, it will be a signal to states that public schools are not adequately addressing educational needs of students. The school year was chosen based on available data from the Department of Education's Common Core of Data. The 1999-2000 and 2000-2001 school years are missing values for multiple states, such that, to cut down on dropped cases, the closest year with a majority of states reported was selected. The last variable measure of state need and motivation deals with the proportion of urban residents. For this, the percentage of state residents living in urban areas according to the 2000 census will be used for each state.

Finally, there are also many types of measures of the strength of organized interests, from campaign contributions (Constant 2006) and overall public sector union membership rates (Schober, Manna, and Witte 2006; Hirsch and Macpherson 2003) to indices of group influence (Sharp and Haider-Markel 2008). Ideally, a measure of teachers' unions influence would include the number of teachers belonging to an organized interest of this sort. However, as other scholars have noted, this sort of data is difficult to come by, and has prompted the use of public sector union membership (Schober, Manna, and Witte 2006). This research uses a weighted index of teacher union influence based on the Hrebrenar-Thomas studies of interest groups in states (Thomas and Hrebrenar 2004). Similar measures of union strength have been used by Sharp and Haider-Markel (2008) to measure the strength of organized interests in regards to state restrictions on eminent domain. The index was created using the Thomas and Hrebrenar (2004) classification of whether a teachers group was listed as influential and the overall classification of strength of organized interests in the state. First, if teachers groups were listed as one of the most influential groups, then a dichotomous variable was coded one. Next, the categorization of overall influence of organized interest in states was coded four if in the state was in the most influential category, down to one if in the least influential category. These two measures were multiplied to create the weighted index, a measure which is an ordered categorical measure ranging from zero to four. As the

Hrebrenar and Thomas (1987, 1992, 1993a, 1993b) studies on state interest groups were conducted in the 1980s and 1990s, this may present a problem in that other measures are later in time. However, teachers' unions have remained a significant force in state education politics, and have maintained a consistent role over this time period.

*Relationships Between Competing Explanations:*

In the first and second tables at the end of this chapter, one can see the preliminary relationships between religious adherents and alternative explanations. For both of these tables Pearson's correlations are presented for all relationships, except those with the strength of teachers' unions, for which Spearman's correlations are given. The measurement for evangelical congregations has minor, negative correlation with Republican control, and minor or moderate, positive correlations with legislative professionalization, and the strength of teachers' unions. For evangelical population rates, minor, negative correlations are present with urbanization, Republican control, and legislative professionalization. The evangelical population size is moderately and positively correlated with the strength of teachers' unions. For LDS adherents, the congregation-based measurement is positively (and only slightly) correlated with urbanization, state contribution, Republican control, and the strength of teachers' unions. The LDS population-based measurement is only slightly negatively correlated with legislative professionalization, and is slightly positively correlated with state contribution and Republican control. Finally, measures of Catholic presence are negatively correlated with dropout rate (weakly correlated with both congregation-based and population-based measurements), state contribution (weakly correlated with both measures of prevalence), Republican control (with the congregation-based correlation near zero), and the strength of teachers' unions (with the congregation-based measure near zero, and the population-based measure moderately strong). Measures of Catholic presence are also positively correlated with legislative professionalization, with congregation-based measures strongly correlated and population-based measures only slightly correlated.

In addition to the relationships between religious adherents in a state and various explanatory measurements, some of the alternative explanation measures are somewhat correlated. The largest correlation between explanatory measurements is a positive correlation between urbanization and legislative professionalization. Other than this correlation, urbanization is weakly and negatively correlated with dropout rate, state contribution, Republican control, and the strength of teachers' unions. State dropout rate has a weak, positive correlation with state contribution and the strength of teachers' unions. Finally, Republican control is weakly and negatively correlated with legislative professionalization and the strength of teachers' unions.

### **State Education Policies:**

The substantive policy chapters will all focus on various alternatives to public schools, and will assess the role of religious groups in the state adoption and regulation of these policies using indices for dependent measures. Each of these dependent variables was coded using organizational web-sites and information. The following discussion identifies the key web-sites from which each of the dependent variables was coded, provides an overview of the plethora of information available from these web-sites, and describes the various individual measurements used in the creation of the indices measuring the restrictiveness of state educational policies.

#### *Private School Choice:*

The data for measures of school vouchers, and other private school choice policies, was coded from the Heritage Foundation's web-site profile of state school choice policies. The Heritage Foundation is a conservative research institute, aimed at promoting "free enterprise, limited government, individual freedom, [and] traditional American values" (Heritage 2009). As such, they are supporters of school choice policies, and have compiled state profiles of various school choice alternatives. While politically motivated research organizations are not an ideal choice for the collection of data, the Heritage Foundation is a well-known research organization which is comprised of various policy experts. Beyond

their being well known to many an academic, the Heritage Foundation has a vested interest in the pursuit of state adoption of school choice policies. They expressly advocate for their passage, and stay abreast of the status of these policies across states. For example, when the Heritage Foundation's web-site was accessed in the late summer, early fall of 2009, the state of Utah had adopted the use of universal school vouchers. However, this policy was put to public vote in November and repealed. By January of 2010, the information regarding the state of Utah had been changed. In addition, the web-site has information on a number of private school choice policies, and provides citations of and links to various organizations from where the information originated.

The Heritage Foundation web-site, "School Choice In America: How Each State Gives Parents the Ability to Choose a Safe and Effective School for Their Children" gives a break-down of the various school choice policies from state to state, based on four categories: private school choice, public school choice, charter schools, and online learning. The information for public school choice options, such as open-enrollment policies, charter schools, and online learning are not included in the index of state private school choice allowance. Charter schools laws are highly complex from state to state, are examined in a separate chapter, and are coded from a different source, which contains a more detailed depiction of state policies and from which the Heritage Foundation gathered their information regarding state charter school laws. The other policies, such as open enrollment and online learning are not traditionally associated with the religious right's preferred school choice alternatives. Both the use of school vouchers for religious school tuition, and tax breaks for religious school tuition have been validated by decisions of the Supreme Court, and are expected to be favored by religious groups.

The information for the individual measures coded and combined to create a private choice restrictiveness index is based on the information for the private school choice policies, including, school vouchers, voucher-like laws, Corporate or other types of scholarships, and education tax credits. School vouchers are defined as academics, advocates, and adversaries have traditionally defined this policy: the

use of public funding to give parents set amount of money to be applied for the payment of tuition at their choice of school (Heritage Foundation 2009). Additionally, some states do not permit the use of vouchers, but do have scholarship programs in place for special needs students, or students living in rural areas with no local public school (Heritage Foundation 2009). Scholarship programs are forms of private choice in which the funding for the scholarships are provided by individuals or corporations (Heritage Foundation 2009). In terms of education tax credits, some states allow corporations or individuals to receive a tax credit for contributions given to a scholarship program (Heritage Foundation 2009). Finally, the state-by-state private choice policy information also includes information for states where tax credits or deductions are given to parents for their child's tuition at a private school.

Based on the information given for state private school choice policies, a series of dummy variables were coded and summed together to create an index measuring the degree to which states allow private school choice. The three policies chosen for this analysis are voucher or voucher-like programs, scholarship programs, and tax credits or deductions. For each, a dummy variable was coded one if the policy has been adopted and a zero if the policy has not been adopted. This index ranges from zero to three, where zero indicates that the state has no private school choice policy, and a three indicates a state has all three private school choice policies. The first component is voucher or voucher-like policies, where states provide payment to parents for use to supplement tuition at a school other than the public school in their district. At the time that this data was coded, nine states had enacted a voucher or voucher-like program. While not all of these nine states allow voucher or voucher-like programs for the same reason, they are all included under the heading of this variable component. For example, two states, Wisconsin and Ohio, allow school voucher use in specific urban areas, (Milwaukee and Cleveland, respectively), as a means to provide quality educational alternatives to students in low-quality, inner-city public schools. Two states, Maine and Vermont, allow voucher-like scholarships for students in rural areas with no local public school. Three states, Florida, Georgia, and Arizona have voucher-like

scholarship programs for special needs students. The District of Columbia allows the use of vouchers for at-risk students. Finally, as mentioned, at the time voucher laws were coded, Utah was the only state with a universal voucher law, allowing all students to participate in the program. For each of these nine states, a dummy variable was coded one if a voucher or voucher-like program exists, and zero otherwise.

Next, a dummy variable was created to measure the allowance of scholarship tax credit programs. These programs allow corporations or individuals to claim tax credits on donations to specific scholarship programs. The scholarship program then provides tuition assistance to parents and children for the school of their choice. A total of five states allow for some type of scholarship tax credit program. Four states, Arizona, Florida, Pennsylvania, and Rhode Island, have programs that are corporate scholarship tax credit programs, where only corporations reap the tax credit benefits of donations. One state, Iowa, has a scholarship tax credit program, allowing tax credits for individuals and corporations. These five states were assigned a one if the policy was allowed and a zero otherwise. The third component variable is a measure of whether states allow parents to claim tax credits or deductions for their child's tuition. Four states allow either of these tax policies, with three, Illinois, Iowa, and Minnesota, allowing tax credits and one, Louisiana allowing tax deductions. If a state allows parents to claim a tax credit or deduction for tuition expenses for schools other than the public school a variable was coded one, and if states do not have this policy, it was coded a zero.

The index of state adoption of private choice policies is a sum of the three coded variables discussed above. The index ranges from zero to three, but no state allows for all three policies. Three states, Arizona, Florida, and Iowa, are assigned a two, and eleven states and the District of Columbia are assigned ones; the remaining 36 states have no private school choice policy.

Preliminary correlations with this index are presented in the third table. All of the correlations presented in this table are Spearman's correlations. The private school choice index is weakly positively correlated with both measures of Catholic presence, as well as legislative professionalization. This index

is also weakly and negatively correlated with evangelical populations, LDS populations, and state contribution. The differences between the correlations of the school choice index and the religious measures may be an early indication that evangelical Christians and LDS adherents have shifted focus to other educational policy pursuits, or could be an indication that other explanatory measures might lend explanation for these differences. The correlations with alternative explanations slightly suggest that states with highly professionalized legislatures may be more likely to allow these private school choice policies, and that states that provide larger proportions of the school budget may be less likely to allow private school choice policies.

*Charter Schools:*

The data for state charter school regulations is coded from the Education Commission of the States (ECS), “State Profiles—Charter Schools” information provided on their web-site for 2005. The ECS is a non-profit organization with membership comprised of 49 of the 50 states, where each member state provides a set of commissioners including the governor and various educational policy officials (ECS 2009). The goal of the ECS is to facilitate information exchange between education policy makers and analysts, by providing objective data and research on various educational reforms and their outcomes (ECS 2009). In addition, specific goals of the ECS in 2005 included using the results of reform analyses to aid states in policy implementation (ECS 2009). The ECS supported with fees paid by member states and donations from a variety of charitable organizations, and is non-partisan, altering leadership between both states and political parties (ECS 2009). As it is a nonpartisan organization, facilitated by state officials, with the purpose of gathering information about various state educational policies, it is unlikely that the information collected is grossly inaccurate. Additionally, at the time that the state profiles were compiled, the organization had a focus on providing information for states in order to aid them with implementation of these reforms. Finally, the Education Commission of the States charter school profiles

are used by other organizations such as the Heritage Foundation in their own information collection and data analysis efforts.

The immense, extremely detailed information that one can gather on this site is evidence of this in-depth knowledge of state implementation of charter school laws. First, of course, they indicate whether or not a state has enacted a charter school law. Beyond this information, each states' profile contains information such as: whether the state allows existing schools to convert or new schools to start up; if the schools are part of the local education association (LEA) or its own LEA; if preference can be given to particular students or schools with a particular purpose; the total number of charter schools allowed in a state (if capped); the limitations on which government body can approve schools, who can apply to operate schools, and whether they can appeal rejections; specifications on transportation provision, teacher certification, assessments, and rule waivers; and specifications on annual reporting, termination grounds, and appeals of terminations.

Not only is there a vast amount of information, but the information provided for each of these stipulations is highly detailed (for some states). For example, some states allow both conversion and start-up charter schools, but regulate each differently, such that other specifications are dependent on whether or not the charter school is a conversion or start up. Some states allow the local board to approve start up schools and the state board to approve conversion schools, or vice-a-versa (with others mandating that both approve the school). Beyond these differences, funding stipulations are in many cases dependent on not only the conversion/start-up factor, but also seem to vary depending on which government entity granted the charter. Similarly, some states may maintain authority over the approval of the school, but require the school to fall into the local education association, whereas others approve and allow charters to become part of their own LEA. Ultimately, there is a large degree of information about state charter school laws, and, in reading through these stipulations, one can see that the regulation of these schools is highly complex and variant from state to state.

The fourth chapter is testing the role of religious groups in the adoption and regulation of charter school laws, and expects that the three religious groups pursue policies that allow charter schools to exist in a state, but oppose policies which limit the independence of those charter schools. Based on this expectation, multiple dependent variables were coded from the Education Commission of the State's website, and summed together to create two restrictiveness indices (the first on a scale of zero to ten, and the second from zero to six), where lower values are an indication of higher levels of restriction. For reasons that will become clear in the discussion below, each of the dependent variables is measured on scale of zero to two.

The first key dependent variable of interest included in the restrictiveness indices is a dichotomous variable of whether or not states allow the operation of charter schools. For this measurement, a zero is coded for states without charter laws, and a two for states with charter laws. As previously noted, forty states plus the District of Columbia allow for the operation of charter schools. In addition to the allowance of charter school operation, Hernandez (2009) finds a trend of religious school conversion to charter school, which poses a problem for schools where not all teaching staff is state certified. While a variable of whether or not states allow schools to convert would be an ideal choice for this measurement, 40 of the 41 entities allowing charter schools to operate also allow conversion schools (the situation is similar with start-up schools, where only two of the 41 do not allow them). However, in the conversion to charter schools, many teachers lose their jobs, making it beneficial to these groups if requirements on the percentage of certified teachers were lower. There is a good deal of variation in the degree to which teaching staff must be certified in a charter school, and impose a requirements on the minimum percentage of uncertified teachers allowed at the school. For example, there is no requirement for certification of charter school teachers in Georgia, yet other states like Kansas require all charter teachers to be certified. In other states, such as Louisiana, up to 25% of the staff may be uncertified. Twenty-five of the forty chartering states require all teachers to be certified, while five states and the

District of Columbia have no certification requirement. Of the remaining ten states, the minimum percentage of require teaching staff ranges from fifty percent to eighty percent. This ratio level measure is converted into an ordinal measurement of certification requirement, with lower values indicting higher levels of restriction. States with 100% certification are coded zero, or most restrictive; states with no certification requirement are coded as two, or least restrictive; states where the teacher certification minimum ranges from 50% to 80% are coded with a one.

Next, recent Supreme Court rulings have signaled a more favorable climate for the use of public funds for religiously affiliated schools (*Zelman v. Simmons-Harris* 2002), with the qualifier that alternatives to religious instruction are offered. Additionally, many religious schools converting into charter schools, or religious organizations looking to start a new charter school, may teach values-based lessons which do not expressly support one religious tradition, but do contain most of the same concepts. In this regard, an ideal variable would be the degree to which the state regulates a charter school's curriculum or gives a rule waiver pertaining to textbook selection. However, the ways in which these rule waivers vary from state to state creates a difficult scenario in terms of attempting to code this measurement. Some states have specific rule waivers, such as all textbook or curricular requirements imposed on public schools, whereas others address rule waivers on a case-by-case basis within a given schools' charter, such that the state law itself makes no mention of specifics of rule waivers. More, in-depth research is needed in order to properly measure these waivers. Yet, other state regulations are able to give us a picture of prohibition of religiously affiliated schools. Of the states that allow the operation of charter schools, four explicitly prohibit the operation of religiously affiliated charter schools, whereas the other 37 either do not mention this stipulation or expressly permit these schools. The degree to which religiously affiliated charter schools are restricted is coded as a dichotomous variable, with states where religiously affiliated schools are expressly prohibited are coded with a zero, and all others are assigned a two.

The wide degree of variation in state laws regarding which persons or entities are allowed to start-up a charter school or convert an existing school to a charter school, or which government institution (or institutions) is (are) responsible for approving charters (whether local board, state board, state chartering entity, or some combination of state and local institutions) creates a virtually impossible scenario when trying to include variables in restrictiveness index, as different procedures are applied to different schools within states. Additionally, while it may seem that restrictiveness could be measured as to which level of government is responsible for oversight, how would one determine which government entity was more restrictive? If, as Deckman (2004) suggests, evangelical Protestants target local school board elections as a means to alter schooling policy and curriculum, then it would seem that state oversight would be more restrictive with relation to religious interests. However, if the reverse is true, and religious conservatives focus on state elected offices, as Cigler, Joslyn, and Loomis (2003) would suggest, then local oversight would be a more restrictive approach. In states where local boards are responsible for charter approval and oversight, the restrictiveness of policies based on religious preference is dependent upon the religious make-up, context, and accommodation of the local school board, as well as in comparison to the possible religious accommodations that would be given if a state agency were responsible for these duties. For some states local control and oversight may present a more favorable climate, whereas in others it may be more restrictive. The same scenario applies to states where a state institution is responsible for charter school approval; the restrictiveness of the measure would depend on the climate of that state in comparison to how restrictive a local approval process would be. Ultimately, using state or local oversight for the restrictiveness measure is problematic. However, some states allow for chartering entities to apply to both the state and the locality, such that a denial at one level can be appealed at another level. Regardless of the type of school, or the chartering institution(s), some states do not allow for an appeals process in charter approval, whereas others do. A dichotomous variable is used to measure this, such that the 28 states with an appeals process have a more favorable, less restrictive policy, and are

assigned a two; the remaining 13 states with no appeals process are deemed more restrictive and assigned a zero.

Finally, as teachers' unions are conditionally supportive of charter schools based on the imposition of state test standards, and religious conservatives are against the imposition of state test standards, it would seem that this would be an ideal measure to include in this analysis. However, all states require annual testing; there is no variation. While all states require testing, not all states allow for appeal of a rejected renewal or termination, termination based on student performance or fiscal irresponsibility. Similar to the measurement above, if states do not allow for the appeal of termination, they are assessed as more restrictive and coded a zero and if states have an appeals process they are assessed a two. There are 24 states with an appeals process, and 17 without an appeals process.

There are two different dependent variables, or restrictiveness indices for this analysis. The first restrictiveness range is a sum of all five of the individual dependent measurements above, which adds to ten when totaled. For this range, a zero is an indication that there is no charter law, and a ten is an indication of states with charter laws that are the least restrictive. If a state allows charter schools to operate, and heavily regulates teacher certification, restricts religious affiliation, and blocks appeals processes, then that state would be coded a two. However, beyond the absence of any state coded a one, there are no states with a restrictiveness level of either a two or three. Outside of these, the remaining 40 states (plus D.C.) range in restrictiveness from four to ten, with half of these cases taking the values six and eight. The second restrictiveness index includes the first three dependent measures above, and excludes the measures for appeals processes. It ranges from zero to six, where zero indicates no charter law and six a state with the least restrictive charter law, and, similar to the first index, has no states take the value one. Of the states that allow charter schools, restrictiveness ranges from two to six, with about half of the cases concentrated on level four.

As expected these two indices are highly positively correlated with each other, with a Spearman's Rank correlation value of 0.760. The correlations between the charter restrictiveness indices and independent variables are presented in the fourth table, where all correlations are Spearman's correlations. Both of these indices are moderately and positively correlated with LDS congregations, with a slightly stronger correlation for the index including appellate processes. Evangelical and LDS population rates are weakly and positively correlated with the index including appellate processes, and Catholic population rates are weakly and negatively correlated with the same index. Both indices are moderately, positively correlated with urbanization and dropout rate, slightly, positively correlated with legislative professionalization, and weakly, negatively correlated with the strength of teachers' unions. Finally, the index including appellate processes is weakly and positively correlated with Republican control, and the index without appellate processes is weakly and negatively correlated with state contribution. These initial findings suggest that expectations regarding LDS presence are correct, in that states with a larger LDS presence are also those with lesser degrees of charter restrictiveness. However, the correlation between LDS population rates and the charter index without appellate processes indicate an opposite relationship, but this correlation is very close to zero. While correlation coefficients for evangelicals and Catholic presence are not as distinct, they suggest that states with a larger evangelical presence also have less restrictive charter policy, whereas states with a larger number of Catholic congregations have more restrictive charter policy. Beyond relationship with key variables of interest, states with larger urban populations, with higher dropout rates, and with highly professionalized legislatures have less restrictive charter policies. States with stronger teachers' unions have less restrictive charter policies.

#### *Home Schools:*

The data for home school regulations is coded from the Home School Legal Defense Association (HSLDA) web-site for the 2008-2009 school year. This organization is a legal resource for parents who plan to home school their children, as well as those already home schooling their children. It provides an

overall picture of states restrictiveness, as well as in-depth, individualized state legal analyses of different state home schooling options and restrictions. Beyond these legal analyses, HSLDA provides legal advice for parents dealing with court cases in states, curricular materials for home schooling parents, and has a corresponding Political Action Committee committed to backing home school friendly elected officials (HSLDA 2009). In this case, HSLDA is considered to be an organization dedicated to staying abreast of home school regulations across states and providing expert advice to its members, and would be very unlikely to knowingly provide members with false information. It has a vested interest in providing its members with complete, accurate information, as these members purchase materials and seek expert legal advice from this organization. Additionally, HSLDA has become ever-more involved as a public advocate for parents in the United States and abroad. Recently, HSLDA has worked with German parents seeking asylum in America so that they can home school their children (Robertson 2010); and has continued their efforts at home, advocating (and providing textbooks) for evangelical Christian parents seeking a creationist perspective in science texts (Lovan 2010).

The extent of this expert legal advice is evidenced by the amount of detailed information provided about home school laws, statutes, and regulations for each state. First, HSLDA lists whether or not the state has a home school statute, whether home schools are regulated by a series of separate clauses, and whether there are multiple options for parents wishing to home school their children. Additionally, the state breakdown gives an overview of basic state regulations such as the number of days or hours students must participate in schooling (if any), and the core subjects required (if any). Beyond these quick overviews, the home school legal analysis for each state is highly dependent upon the degree to which the state allows multiple options or regulates home schools, but they do provide information regarding notification requirements, teacher qualification requirements, testing and evaluation requirements, parental and religious schooling rights, and college admissions guarantees. For example, in California, there is no home school statute; however there are four basic options for parents looking to

home school their children (HSLDA 2009). First, the school can qualify as a private school, by filing an annual affidavit, keeping attendance, instructing in English, and fulfilling various other minor requirements (HSLDA 2009). Second, the students can enroll in a private school satellite program, as long as the program complies with requirements similar to those in the first option (HSLDA 2009). Third, the home school can use a certified private tutor for the instruction of students (HSLDA 2009). Finally, the student can be enrolled in an independent study program using the public school curriculum, but is subject to public school rules and policies (HSLDA 2009). If either of the first two options is selected, there is no educational qualification minimum for the home school teacher, with no option requiring the home school to conduct standardized tests (HSLDA 2009).

Kansas is yet another state with no home schooling statute, yet does provide two options for parents wishing to home school their children. The first is to register the home school as a non-accredited private school, supplying the state the name and address of the home school. In addition, this option requires the instructor to be competent, children to be instructed for a substantially equivalent period of time to those in public school, and instruction to be planned, and scheduled, with periodic testing (HSLDA 2009). In this option, the State Board of Education has no authority to approve or disapprove home schools, and the local board has no approval power, no power to evaluate schools or children without clear evidence of a sham, and no power to determine what qualifies as a competent instructor (HSLDA 2009). There is also no specified testing requirement in the state of Kansas. The examples given for Kansas and California are not unlike legal stipulations for other states around the US. Some states, like Kansas, have vague stipulations in their home school codes, which in practice, and thanks to court rulings, are not stipulations at all. In other states, California, there are multiple options, some more favorable to religious parents than others.

Still, other states provide multiple options, with the addition of one of the options specifically designed for the operation of a religious home school, or private religious school (where some states

prohibit the allocation of state or local funds to such private schools). Alaska is one state in which home schoolers can register their home school as a private religious school (with no public funding); or parents can simply home school students under the first option, in which there is no notification, approval, testing, or instructor qualification requirements, and the burden falls on the state to show children are not being taught (HSLDA 2009). In other states, parents wishing to home school may do so under specific requirements, yet parents home schooling for religious reasons are allowed to do so with less stipulation, and sometimes under the guise of a private religious school or as a satellite of a private religious school. In Utah, parents have two options: the first to home school children, which requires little more than notification; and the second to establish a private group home school (HSLDA 2009). Interestingly, in Utah, these private schools have little to no requirement (other than possibly obtaining a business license), are not governed by the State Board of Education, and are not barred from receiving state or local schooling funds; an implication which suggests that the use of universal vouchers could theoretically supply these private group home schools. Finally, whereas some states have little to no regulations or provide multiple options with varying degrees of regulation, yet a third type of state has multiple variations of policy within a single option. In these states, home school parent teachers who fulfill a requirement such as holding a baccalaureate degree are not required to subject their child students to annual evaluations or standardized tests.

With a careful reading of state home school codes, statutes, laws and judicial interpretations, one quickly learns that states have widely variant restrictiveness, based on the language of these laws and the various court interpretations of these laws. In this sense, coding state home school laws requires understanding of the de jure requirement versus the de facto requirement. In most instances, states would seemingly have requirements, yet these clauses are so vague or their legal interpretations so limited that they have virtually no restrictiveness whatsoever. Beyond these issues, states with multiple options also provide home schooling parents with various legal options for the operation of their home school, some

with more teeth than others. Ultimately, there is a large degree of variation in home schooling restrictiveness from one state to the next, and parents seeking to home school their children have the legal aid and expert advice of the HSLDA. As the key populations of interest are religious populations, it is expected that religious parents will seek out less the least restrictive of the state options for home schooling their children, and will furthermore prefer policies which do not inhibit moral instruction. Therefore, the coding of home schooling laws was centered on the measurement of the least restrictive state policy, particularly those exempting religious families from regulations. In states with multiple options, the differing laws were carefully assessed, and the choice with the least degree of restrictiveness was coded. In addition to this choice, in order to keep the coding scheme consistent across states, a decision was made in what to do when states have teacher qualification and evaluation requirements which are conditional upon each other. In states where there is a tradeoff between teacher qualification and standardized testing, the state was coded as having the least restrictive teacher qualification requirement, and the evaluation standard was coded based on which standard(s) corresponded to that teacher qualification. This choice may become important with regard distributions and statistical analyses, as it may deflate the measurement of state restrictiveness for teacher qualification and inflate the measurement of state evaluation standards. While neither of these can be said to be fully representative, given the tradeoff made in coding home school options, the coding scheme used was consistent across all states, and is therefore the best available choice given the interaction of these two requirements.

As noted, there is a wide variation in the degree to which states regulate home schools, and there is a large amount of crossover and intertwining of various regulations within these varied options. In terms of notification, some states do not require notification, some require it initially, and others require it annually. Additionally, some require basic information such as name and place, some require submission of curriculum or teacher qualifications, and other annual notification states require submission of previous year's work or evaluations. These various notification requirements crossover into those specified for

teacher qualification and curriculum, where some states have requirements for these within their notification requirements, and others require these, but not as a part of notification. Additionally, some states have evaluation requirements which are not part of notification processes, whereas others have evaluation submission requirements as part of the notification processes. As such, myriad variables were coded to account for the various ways in which states require these elements and integrate them into the state home school policy. For the purposes of this research, three indices are used to test the restrictiveness of home schools. The first index measures the degree of notification requirements, the second the degree of teacher qualification and curricular requirements, and the third the degree of restrictiveness of evaluation requirements.

In terms of the notification, a simple measure of the degree to which the state requires initial notification is used. This measure ranges from zero to two, where states are coded zero if there is no such requirement, one if home schools are required to submit the name and place of the school, and a two if the home school is required to submit a planned curriculum or information regarding the qualifications of the home school teacher. Given this coding scheme, states with values of zero have lower restrictiveness and states with values of two have higher restrictions. There are ten states with no notification requirement, 29 states that require simple notification of name and place, and 12 states where the initial notification must contain additional information about teacher qualifications and curricular plans.

Regarding the requirements for teacher qualification and home school curriculum, two variable measures with ranges from zero to two are coded and added up to create an index which ranges from zero to four, where higher numbers indicate a larger degree of restriction. First, teacher qualification was coded zero if states have no requirement for home school instructor qualification (or where testing requirements were dependent on teaching requirements, as discussed above), it was coded one if the state requires parents to have a high school diploma or GED, and a two for all other requirements over and above this. For example, some states will require parents to take a home schooling course, while others

will require parents to have some college coursework, a bachelor's degree, or a teaching certificate. For this measurement, 40 states are coded as having no requirement, eight as a high school diploma or GED requirement, and three as having requirements over and above high school or the equivalent. This distribution of teacher qualification requirements is somewhat expected given the choices made in coding mentioned above, where some degree of representativeness may be lost due to consistency in coding across states. In regards to curricular requirements, states with no curricular requirements were coded a zero, states with a vague curricular requirement were coded a one, and states with requirements above this were coded a two. Here, statements considered vague are those using phrases such as "structured and based on educational objectives," whereas states that specify specific subjects or subjects by grade level are considered to be slightly more restrictive. Fifteen states have no subject requirements, eight have a vague requirement, and the remaining 28 have specific subject requirements. The largest category for the compiled index of teacher qualification and curricular requirements the category of value two, a value which 21 states take. Of the remaining, 13 are coded as having no requirement, nine states take the value one, five states take the value three, and the remaining three take the value four.

The third and final index in the home school chapter measures the degree to which states regulate evaluation standards for home schoolers. This index is created by adding together the type of evaluation required, evaluation frequency stipulations, and evaluation submission requirements, each of which is measured on a scale of zero to two. The evaluation index ranges from zero to six, where states with the value zero have no evaluation requirement, and states with higher values have more restrictive evaluation requirements. First, the type of evaluation required was coded a zero for no evaluation requirement, a one if there is a vague statement of testing requirement with no test or process mentioned, a one if states allow for a student portfolio review or other multiple evaluation options, and a two if the state requires standardized testing. Twenty-seven states have no evaluation requirement, 15 states have an evaluation value of one, and nine states take a value of two. For frequency of evaluation, the state is coded a zero for

no evaluation requirement, a one for evaluation every few years, and a two where states require testing annually, semi-annually, or quarterly. This variable is distributed with 27 states take a value of zero, or no requirement, six states take a value of one, requiring evaluation every few years, and 18 states take a value of two, requiring evaluation at least once per year. The submission of student evaluations is coded a zero for states with no evaluation requirements or those where submission is not required, a one for states where this requirement is undetermined, vague, or only upon request of officials, and a two where evaluation submission is required (either in notification or other measure). Thirty states have no evaluation requirements or do not require submission of these evaluations, six states take a value of one, with undetermined or vague requirements, or only stipulating submission upon request, and 15 states take a value of two, requiring submission of evaluations. For the evaluation index, the two largest categories are zero and five, where 27 states have no evaluation requirement and 11 take a value of five. Additionally, no states take a value of one, one state is coded a two, five are coded three, two are coded four, and five are coded six.

The preliminary relationships between the independent measurements and all of the home school restrictiveness measurements are presented in the fifth table. Similar to the other tables, this table presents Spearman correlations between measurements. First, all both evangelical and LDS adherents measurements are slightly and negatively correlated with the notification index, such that states with a larger evangelical and LDS presence have less restrictive home school notification requirements. The correlations between the teacher qualification and subject requirement measurement and evangelical and LDS presence are very close to zero, where only the measure of LDS population rates are weakly and negatively correlated with this index. The evaluation index is slightly and negatively correlated with evangelical populations, LDS congregations, and LDS populations. These relationships provide an initial indication that evangelical and LDS presence is most likely to influence home school notification and evaluation requirements, and less likely to influence teacher qualification and subject requirements.

In addition to evangelical and LDS presence, Spearman's correlations between alternative explanations and home school restrictiveness are presented in the fifth table. With the exception of urbanization, all other alternative explanatory measurements are negatively correlated with home school notification. However, for all alternative explanations, only dropout rate state contribution and the strength of teachers' unions are negatively correlated with notification requirements (with the remaining correlation coefficients are very close to zero). From these correlations, expectations about dropout rate and state contribution are supported, and findings about teachers' unions are in contrast to expectations. States with higher dropout rates, those that provide larger proportions of the public school budget, and those with stronger teachers' unions have less restrictive home school notification requirements. However, as noted, the correlation coefficient for the strength of teachers' unions is weak, and, as this is preliminary bi-variate analysis, this relationship may not be genuine, and could suggest that other variables should be taken into account. Additionally, as teachers' unions strength and size of evangelical population are moderately and positively correlated, this may suggest that evangelicals have had more luck in pursuing favorable home school policies, as opposed to private school choice policies.

Most of the correlation coefficients for the teacher qualification and subject requirement index are very close to zero, and only the alternative explanatory measurements of Republican control and legislative professionalization are weakly correlated with the index. Consistent with expectations, states where Republican's control the legislature have less restrictive requirements and those with highly professionalized legislatures have more restrictive policies. Finally, for the evaluation index, all of the alternative explanatory measurements are very close to zero, except for the strength of teachers' unions. Similar to the notification index, this correlation indicates that states with stronger teachers' unions have less restrictive home school evaluation requirements. These preliminary findings could suggest many things, such as an indication that other factors which are correlated with both these explanatory measures and the indices are driving these bi-variate relationships. For example, evangelical congregation and

population size are positively correlated with strength of teachers' unions and legislative professionalization. Building on this, if evangelicals have been less successful with regard to other policies where teachers' unions have been more successful, such as vouchers, then perhaps they have diverted their attention to home school policies where teachers' unions have less pull; a relationship with is lost with simple correlations.

**Methodology:**

As these dependent variables are measured using ordered categories, or are additive indices compiled using measures of ordered categories, ordinal logistic regression is used in chapters three through five. Each of these chapters will analyze the influence of religious groups on the adoption and restrictiveness of state private school choice, charter school, and home school policies. In addition to providing ordinal logistic regression results, and predicted probabilities to interpret the ordinal logistic regression results, these analyses will also provide the Cox and Snell Pseudo r-squared. This model heuristic is an explanation of the degree of improvement of the explanation of the tested model from the null model. However, the Cox and Snell Pseudo r-square model fit statistic does not have a maximum value of one, as is the case with the traditional OLS r-squared value. For each of the chapters three, four and five, ordinal logistic results (given from SPSS) and Cox and Snell Pseudo r-square values will be provided, with predicted probabilities (calculated using the Zelig package for the R statistical package) discussed in the text.

Table 1: Bi-Variate Correlations of Religious Adherents and Other Independent Variables

	<i>Evangelicals</i>		<i>LDS Adherents</i>		<i>Catholics</i>	
	<i>Congs.</i>	<i>Pops.</i>	<i>Congs.</i>	<i>Pops.</i>	<i>Congs</i>	<i>Pops.</i>
Evangelical Congregations	1	0.663	0.011	-0.212	0.428	-0.428
Evangelical Populations	0.663	1	-0.189	-0.226	-0.103	-0.614
LDS Congregations	0.011	-0.189	1	0.923	-0.012	-0.184
LDS Populations	-0.212	-0.226	0.923	1	-0.200	-0.202
Catholic Congregations	0.428	-0.103	-0.012	-0.200	1	0.338
Catholic Populations	-0.428	-0.614	-0.184	-0.202	0.338	1
Urbanization	0.055	-0.248	0.164	0.098	0.339	0.281
Dropout Rate	-0.047	0.055	0.066	0.084	-0.126	-0.128
State Contribution	-0.025	0.051	0.122	0.115	-0.252	-0.196
Republican Control	-0.191	-0.244	0.240	0.341	-0.076	-0.152
Legislative Professionalization	0.273	-0.221	0.019	-0.174	0.739	0.269
Strength of Teachers' Unions	0.349	0.431	0.139	0.059	-0.070	-0.517

Table 2: Bi-Variate Correlations of Alternative Explanatory Variables

	<i>Urbanization</i>	<i>Dropout Rate</i>	<i>State Contrib.</i>	<i>Rep. Control</i>	<i>Legis. Prof.</i>	<i>Teachers' Unions</i>
Urbanization	1	-0.133	-0.128	-0.156	0.424	-0.150
Dropout Rate	-0.133	1	0.165	-0.089	0.002	0.123
State Contribution	-0.128	0.165	1	-0.056	-0.006	-0.028
Republican Control	-0.156	-0.089	-0.056	1	-0.138	-0.123
Legislative Professionalization	0.424	0.002	-0.006	-0.138	1	-0.064
Strength of Teachers' Unions	-0.150	0.123	-0.028	-0.123	-0.064	1

Table 3: Bi-Variate Correlations Between Independent Variables and the Private School Choice Index

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<i>Independent Variables</i>	<i>Private School Choice</i>
Evangelical Congregations	-0.049
Evangelical Populations	-0.130
LDS Congregations	-0.042
LDS Populations	-0.195
Catholic Congregations	0.162
Catholic Populations	0.187
Urbanization	0.045
Dropout Rate	-0.005
State Contribution	-0.119
Republican Control	0.060
Legislative Professionalization	0.135
Strength of Teachers' Unions	-0.028

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 Table 4: Bi-Variate Correlations of Independent Variables and Charter Restrictiveness Indices
 

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<i>Independent Variables</i>	<i>Index Including Appellate Processes</i>	<i>Index Excluding Appellate Processes</i>
Evangelical Congregations	0.137	0.090
Evangelical Populations	0.089	0.004
LDS Congregations	0.420	0.337
LDS Populations	0.145	-0.021
Catholic Congregations	-0.046	0.048
Catholic Populations	-0.136	0.017
Urbanization	0.302	0.389
Dropout Rate	0.275	0.312
State Contribution	0.057	-0.160
Republican Control	0.194	-0.013
Legislative Professionalization	0.176	0.215
Strength of Teachers' Unions	-0.193	-0.196

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Table 5: Bi-Variate Correlations of Independent Variables and State Home School Regulations

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<i>Independent Variables</i>	<i>Notification</i>	<i>Teacher and Subject</i>	<i>Evaluation</i>
Evangelical Congregations	-0.214	0.010	-0.074
Evangelical Populations	-0.271	-0.094	-.200
LDS Congregations	-0.203	0.004	-0.253
LDS Populations	-0.201	-0.162	-0.223
Urbanization	0.046	0.021	-0.095
Dropout Rate	-0.144	-0.002	-0.099
State Contribution	-0.221	0.001	-0.027
Republican Control	-0.032	-0.128	-0.006
Legislative Professionalization	-0.061	0.129	-0.009
Strength of Teachers' Unions	-0.107	-0.088	-0.174

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### Chapter 3: Private School Choice

As battles over religion in the public schools began to rage, and various court rulings started the withdraw of religious practice and doctrine out of the public school classroom, religious parents began to seek out other means of schooling their children, means by which children would still receive morally grounded education. The removal of school sponsored prayer (*Engel v. Vitale* 1962) and bible readings (*Abington School District v. Schempp* 1963), in addition to the re-emergence of evolution in the science curriculum (Wilcox and Larson 2006; Gibson 2004), prompted religious conservatives to seek public schooling alternatives, such as private and parochial schools. These alternatives to the public education system were ideal for parents on religious grounds, but were limited to those families that had the means to pay for school tuition if no scholarships or alternate funding was available. Beyond religious concerns about public school morality, parents, academics, and political leaders began to voice concerns about the overall quality of the public school system. One such group, with concerns about urban school quality, focused their efforts on state adoption of school choice programs giving urban youth equal access to quality private schools. Initially, school choice advocates emphasize private school vouchers, or monies (a certificate for a certain dollar value) paid from the state to parents who then use the sum to pay for private school tuition, but have expanded their advocacy to other private and public school choice programs. Both the use of school vouchers and other private school choice programs such as scholarship funds and tuition tax credits are highly attractive to religiously conservative parents, as they can then use their share of state school monies to educate their children outside of the public school system.

However, based on a series of Supreme Court decisions in the mid-twentieth century, states were not constitutionally allowed to provide monies to religious schools, or stipulate preferable tax treatments for tuitions paid to religious schools and donations to religious school scholarship programs (*Committee for Public Education & Religious Liberty v. Nyquist* 1973; *Lemon v. Kurtzman* 1971; *Everson v. Board of Education* 1947). In addition to constitutional restrictions on school voucher and other private school

choice policies (with relation to parochial schooling), these policies have been vehemently opposed by teachers' unions since they first became popular alternatives to the public schools (Weber 2010; Vu 2007; Constant 2006; Peterson 2005). This general opposition to school choice policies during the late-1970s and early-1980s was most intense with regard to private school choice policies, specifically school vouchers (Constant 2006). While religious interest in private school choice did not completely subside in the 1980s and 90s, a good deal of the success in education policy alternatives occurred in other areas, such as public school choice and home schooling. The constitutional limitations and teachers unions' opposition to school vouchers reduced the degree to which religious conservatives pursued private school choice policies; yet, this did not effectively end their policy pursuits, as efforts were refocused on other means to finance religious education (Peterson 2005). Religious adherents scored a minor victory with *Muller v. Allen* (1983) when the Supreme Court ruled that state allowance of tax credits and deductions for tuition paid to parochial schools was not a violation of the First Amendment. These victories continued as states began to allow scholarship tax credit programs to provide payments to religious schools, believed to be constitutional based on Supreme Court decisions allowing these types of programs as long as the funding is funneled through third party institutions that do not give preference to religious schools (*Angostini v. Felton* 1997; *Witters v. Washington Department of Services for the Blind* 1986). Additionally, these policies have been upheld by state supreme courts on the same grounds (Peterson 2005).

Since they first appeared in the education reform debates, private school choice policies have been highly contested at the state level. Across the United States, wealthier, white Catholics and evangelicals and lower-income minorities have consistently pursued the allowance of school voucher use (Gelman 2009), with mixed results. In these pursuits, voucher advocates have hit a wall of opposition from teachers' unions (Weber 2010; Vu 2007; Constant 2006; Peterson 2005), and have had to deal with state constitutional bans on public funding for religious schooling, or "Blaine Amendments" (Kossan and

Gersema 2010; Weber 2010). However, in some states they do not have these constitutional barriers to overcome, or have pursued other funding options such as scholarship tax credit programs that do not have to overcome these constitutional barriers (Weber 2010; Peterson 2005). The battle over private school choice, specifically school vouchers, has seen mixed success. States which have passed voucher programs, both specific programs and universal programs, have come to see their programs overturned by both state supreme courts and public ballot initiatives (Kossan and Gersema 2010; Peterson 2005). However, states like Florida have overcome these problems by enacting scholarship tax credit programs, programs which can, and do, provide funding to religious schools (Weber 2010). The problems encountered by religious conservatives with regard to favorable school voucher laws have not deterred them however. With every legislative cycle, the creation or expansion of school voucher laws re-appears on state (California, Utah, Colorado, Ohio, Florida, Arizona, and Missouri to name a few) dockets (Kossan and Gersema 2010; Weber 2010; Lips and Feinberg 2007; UV 2007; Peterson 2005).

Religious adherents scored an even larger victory when the Supreme Court ruled in *Zelman v. Simmons-Harris* (2002) that a Cleveland voucher program in which state monies were used to pay religious school tuition was constitutionally legal. Ultimately, the Court decided that as long as the program has a secular purpose, provides the monies to parents as opposed to schools, includes a broad class of students/beneficiaries, remains neutral with respect to religion, and provides an adequate number of nonreligious options, it is not in violation of the separation of church and state (*Zelman v. Simmons-Harris* 2002). For the Cleveland program, the program's initial goal was acceptance of students based on need (where a majority of the students were low-income and minority students, whose only schooling options were inner-city schools with a historical record of being low quality) (*Zelman v. Simmons-Harris* 2002). However, given the abundance of interest, students were then chosen for the program based on a lottery system (*Zelman v. Simmons-Harris* 2002). Additionally, the program included non-religious private schools, and provided tutorial aid for parents choosing to keep their children enrolled in the public

school, thus not specifically endorsing religious schooling (*Zelman v. Simmons-Harris* 2002).

Furthermore, as monies were paid to parents, who then paid monies to the school of their choosing (most of the choices which happened to be religiously affiliated), state monies had not been directly paid to religious schools (*Zelman v. Simmons-Harris* 2002).

Overall, the *Zelman* decision was a huge victory for religious adherents wishing to take advantage of private school choice policies to fund tuition for religious schools. In addition to tuition tax credits and deductions for parochial school tuition and scholarship tax credit program funding for religious schools, religious parents are now able to use state school voucher programs to pay tuition at parochial schools. This program availability has revitalized religious pursuits of the adoption of state private school choice policies, particularly those policies which would open the use of school vouchers for all students, regardless of race, social class, or geographic location. Religious parents wishing to participate in private school choice programs will pursue universal voucher programs, as policies with limited scope will also hinder their chances to use public funds for their child's religious education if they do not live in the selected area or fulfill basic requirements of program participation. Furthermore, it is expected that since school vouchers and other scholarship programs can be used to pay tuition to religious schools, many which are associated with specific congregations and churches, these congregationally-affiliated schools will favor allowance of private school choice policies, but not those policies which limit participation to schools within a geographic area or a secular motivation. Given this preference, it is expected that a measure of religious influence based on the number of congregations will provide more explanatory power for private school choice policies than it will other school reform policies, because congregations have a high degree of interest in supporting their parochial schools.

Based on the educational and political motives and mobilization of religious adherents, three groups of religious adherents are expected to favor adoption of private choice policies, with no limitations: evangelical Christians, Catholics, and LDS adherents. Evangelical Christians are a

religiously conservative group which has consistently been involved in the pursuit of morally acceptable schooling, and have done so by seeking out various alternatives, such as parochial schools. Catholics are a religious group which consists of both religious conservatives seeking moral schooling alternatives for their own children and more liberal affiliates supporting alternatives for children in low quality, urban school districts. They have a tradition and history of providing parochial schooling to students in crumbling urban districts as well as those in more affluent, suburban districts. Finally, members of the LDS church are considered to be just as (if not more) religiously and socially conservative as evangelical Christians, and find teachings within public schools to be morally questionable. They are therefore expected to support alternatives to those schools, particularly those which support religious schooling alternatives.

Beyond what is conceptually defined as a private school, many states, such as California, Florida, Maine, Utah, Virginia, and West Virginia, have begun to write home school laws in a way that defines a traditional home school (or group home school) as a private school. Additionally, about half of the states (including those mentioned above) allow for the classification of home schools as private schools, or extensions of private schools, with only four restricting those schools from receiving state or local funds. However, even with these restrictions, states operating scholarship tax credit programs are able to funnel monies to religious schools, as these monies are paid through an intermediary (Weber 2010). Such is the case in Florida, which operates a scholarship tax credit program, in which four out of every five participating schools are religiously affiliated, some with as few as three students (Weber 2010). These smaller, private schools are not held to testing or fiscal standards (Weber 2010). LDS adherents and evangelical Christians, two groups expected to favor private school choice, have an even greater interest in the pursuit of school voucher and other private school choice policies, in that they would possibly be able to use these policies to offset the cost of operating a private home school (unless specifically restricted in that state's home school laws).

In addition to the influence of these religious population rates and congregational numbers on state private school choice policy decisions, this chapter will control for other factors which have been shown to influence state policy decisions, particularly state education policy decisions. First, as discussed, the school choice movement is one which originated from a desire to provide quality educational options to students in poor performing, urban school districts; such that urbanized states with low quality schools (high dropout rates) will be more likely to adopt these policies, and less likely to have stringent regulations on private school choice. Second, school choice policies are vehemently opposed by teachers unions', such that states with stronger unions are hypothesized to be less likely to adopt these policies, and more likely to regulate them once in place; although religious groups will be most supportive of private school choice policies, it is expected that these policies are also most opposed by teachers. Next, school choice policies, particularly universal private school choice policies, are highly favored by economic conservatives, as they are a free-market approach to increase competition with public schools and motivate those schools to boost both student and fiscal performance. Therefore, it is expected that states controlled by the Republican Party and where the state controls the budget will be more likely to allow for private school choice options. Republican control is expected to yield less restrictive private school choice options, as many of these policies are pushed by Republican legislatures and governors. For state control, it is expected that states which provide larger proportions of the schooling budget would want to reduce the perceived waste of the public school system, and would therefore increase competition and place less restriction on private school choice policies; however, if fiscal waste is a chief concern, then states would want to ensure that these programs are not wasting public funds, and they would therefore be more likely to limit, regulate or restrict the policies. Finally, highly professionalized legislatures are expected to be more likely to adopt policy reforms, but are also expected to be more likely to regulate these policies once adopted.

This chapter analyzes the role of evangelicals, Catholics, and LDS adherents in the state regulation of private school choice policies. It uses an index of state policies, described in the second chapter, where dichotomous variables for the state allowance of three policies (tax credits or deductions for tuition payments, scholarship tax credit programs, and school voucher programs) are added together. A zero is an indication that the state is most restrictive and allows none of the policies, and a three is an indication that the state is least restrictive by allowing all three policies (noting, however, that no state allows for all three policies). In addition, the analysis in this chapter uses two models to understand the relationships between religious adherents and state education policies, one model tested with religious population rates, and the other with numbers of congregations. The following analysis tests the influence of religious groups on the allowance of state private choice policies using ordinal logistic regression.

*Results and Discussion:*

The results of the ordinal logistic regression models are presented in the first table. In addition to the ordinal logistic regression coefficients and standard errors, the Cox and Snell pseudo r-squared is given as a way to gauge the strength of the explanatory power of the fitted model over the null model. The table indicates that two religious variables are significant in the prediction of state private school choice policies, Catholic and LDS congregations. This finding is consistent with expectations, as private school choice policies provide benefits to schools (with many parochial schools being affiliated with a specific church congregation). This expectation is also somewhat verified by the difference in the pseudo r-squared values, where the first model has a pseudo r-squared value of 0.198, and the second a pseudo r-squared value of 0.181, suggesting that the model using congregational measures has slightly more explanatory power over the null model than do the population measurements. This support of the expectation is minimal, in that there is very little difference in the two measures of explanatory power.

Beyond being statistically significant in the first model, the coefficients for Catholic and LDS congregations are also positive, indicating that larger numbers of congregations increase the probability

that states will adopt private school choice policies. While evangelical congregations are not statistically significant, they are positive, indicating a relationship in a similar direction as are Catholic and LDS congregations. Looking at the influence of Catholic congregations in the first model (calculated using the zelig package in R from Imai, Kosuke, King, and Lau 2008a), the expected pattern is confirmed. States with lower levels of Catholic congregations are most likely to have no private school choice policy of any kind (with a probability of 70-80%) and second most likely to have only one of the three private choice policies (with about a ten percent probability). For states with an average number of Catholic congregations, the prediction is highly divergent; these states are most likely to have adopted two private school choice policies (a probability of 60-70%) and second-most likely to have adopted one of the three private school choice policies (15-20% probability). In states where the number of Catholic congregations is the largest, the probability of adoption of two private school choice policies is the greatest, with a range of 85-95% likelihood. From the predicted probabilities of various levels of Catholics, one can see that even an increase from low numbers of congregations to average numbers of congregations, there is a change in the degree to which states will adopt private school choice; there is over a 90% chance of no policy or only one policy with low levels of Catholics, and about a 90% chance of adoption of at least one or more private choice policies where Catholic congregations are at average levels.

With LDS congregations the relationship is not as distinct. In states where LDS congregations are at their lowest levels, there is a 75-80% probability of no private choice policy, and a 15% chance of only one private school choice policy. Where the number of LDS congregations in the state is average, no private school choice policy is still the most likely outcome (70-75% probability), with only one private choice program being second-most likely (around 20% probable). States that have the highest numbers of LDS congregations have about a 50% probability of having adopted two private choice policies, and a 25-30% chance of adopting only one private choice policy. For evangelical congregations,

the relationship is not only insignificant, there is also very little change in the probability of private school choice policy adoption for different levels of evangelical congregations; for all three levels of the number of evangelical congregation size, the probability of no private choice policy is 65-75%, and the probability of only one policy is 15-25%.

As noted above, in the model using population rate measurements instead of congregational measurements, no religious measure is significant. The coefficients for LDS and Catholic populations are both positive, indicating a similar relationship as congregations; however, the coefficient for evangelical populations is negative, a finding inconsistent with expectation. Although the coefficient for evangelical populations is negative, the degree to which this changes predicted probabilities is minimal, as all states are most likely to have no private school choice policies (70% or more). This lack of a relationship between evangelical congregational or population size and private school policy adoption may be weak due to the factors included in this analysis. For example, it may be the case that evangelicals support voucher and scholarship programs, but are not as concerned about tuition tax credits; particularly with recent state and federal court rulings supporting these programs for religious schooling.

The two models in the table also included variables to test alternative explanations of private school choice policy adoption. The first variable which can be immediately identified as being important is urbanization, as it is statistically significant with a p-value less than 0.05 in both of the models. However, the direction of this variable indicates a relationship in the opposite direction than predicted. In states that have large urban populations, the urbanization coefficient indicates that adoption of private school choice policies is less likely; or, in states with larger rural populations, private school choice policies are more likely to be adopted. While this is in the opposite of the expected relationship, this may be explained based on the operational definition used for the dependent variable measure. For this analysis, the dummy variable measure for voucher-like policies is coded as one in states where there are voucher-like programs for students in rural districts where there is no public school. So, these more rural

states with voucher-like programs could be a driving force in this finding. When analyzing a separate binary logit model with voucher-like policy adoption as the dependent variable, this possibility is verified; the coefficient for voucher-like policies has much more explanatory power in the negative direction than the private choice index measured here. In fact, when a single dummy variable measuring whether or not a state has adopted any private choice policy is analyzed, the coefficient for urbanization is about -0.47 and significant with a p-value less than 0.10; whereas analyzing the same model using only voucher-like policies, the coefficient more than doubles and is significant with a p-value less than 0.05. While initial, it is an indication that the adoption of rural voucher-like programs is some of the driving force behind the state urbanization coefficient.

In regards to the strength of teachers' unions, neither of the coefficients is statistically significant; and, similar to state urbanization, these coefficients are in the opposite direction than was expected. Once again, this may be because an individual component of the choice policy index is functioning differently than was expected for the overall index. For teachers unions, it has been found that they are highly opposed to school voucher programs; however, as scholarship tax credit programs and tuition tax credits (and deductions) do not directly siphon monies from the public schools, they may not be as objectionable. Perhaps teachers' unions are not as opposed to the latter two programs. On the other hand, scholarship tax credit and tuition tax credit programs indirectly influence public school funding, as they reduce state tax revenues (and public school funds are usually the first to go when budgets get cut). Another possibility is that teachers' unions are opposed to these policies, but this opposition has grown more recently and cannot be measured for the time point chosen. The expectations about the state dropout rate are confirmed, yet are not significant; states with higher dropout rates (or lower school quality), are more likely to allow for private school choice policies. None of the three remaining variables (Republican control, state contribution, and legislative professionalization) are significant in either of the models. In addition, all three are negative in the first model, such that states with highly professionalized legislatures,

where Republicans control the legislature, and where larger proportions of the public school budget are paid by states are less likely to adopt private school choice policies. With state contribution to the public school budget, expectations were divided, and these findings (while not statistically significant), minimally point to the expectation that as the state's share of the public school budget increases, they will be less likely to adopt private school choice policies, as these policies divert even more monies to schools which have no track record and uncertain outcomes. With regard to Republican control of the legislature, these results may also point to varied support depending on the private school choice policy. For example, in a model testing only adoption of voucher or voucher-like policies, the coefficient is positive (although very weak and insignificant), which is contrary to the directional findings here. It may also be the case that Republicans are supportive of universal voucher programs, but not supportive of vouchers when targeted toward specific students. Measurement of voucher program adoption by combining all programs together may lose this dynamic. However, as universal vouchers are also the most highly contested voucher program, to the degree that adopted policies have been repealed, this separation is not as feasible with the type of analysis used here; and is perhaps best suited for a more qualitative approach. Finally, the coefficients for legislative professionalization are negative in the first model, yet positive in the second. While the standard errors in for this measurement are huge, indicating legislative professionalization has little explanatory power, the change in signs may be an indication of issues associated with measurement or multi-collinearity.

One indication of a multi-collinearity issue in a model is a change in sign or size of coefficient estimates with small changes in models or data. For different measures of the dependent variable in this analysis, some degree of difference between individual measures and the full model is expected given the differences in the private school choice policies. While conceptually vouchers, tuition tax credits, and scholarship tax credit programs are all private school choice favored by religious conservatives, they may not be viewed equally by other political actors such as teachers' unions and politicians. However, one

cannot fully rule out multi-collinearity, or the statistical problem occurring when two or more explanatory measurements in a model are highly correlated and influencing results, until one has taken steps to account for the possibility. As discussed in the second chapter, state urbanization is correlated with both measures of Catholic adherents, and legislative professionalization. Legislative professionalization is also correlated to measures of evangelical and Catholic congregations and populations. Beyond these strong correlations, Republican legislative control is correlated to both LDS measurements, and the strength of teachers' unions is correlated to both evangelical measurements.

Although there are variables within this analysis which are correlated, many different models were tested with various changes in the dependent and independent variables. First, as noted, differences in individual measurements for binary logistic regression models are expected. Teachers' unions have more of a vested interest in opposition to vouchers than they do in tuition tax credits and scholarship tax credit programs. However, given the findings with urbanization, the findings for the strength of teachers' unions may also be driven in part by the decision to include all voucher-like policies, as rural areas with no public schools should not generate a lot of opposition from unions, even if unions are strong in these states; these unions may focus more on avoiding state adoption of universal vouchers. States where Republicans control the legislature may be more likely to adopt voucher policies than they are to adopt tuition tax credit policies or scholarship tax credit programs; and, in fact, when binary logistic regression models are run with voucher-like policies and tuition tax credit or deduction policies independently, Republican control is positive, indicating greater Republican support for these policies. Finally, legislative professionalization may be more of a factor in the adoption of voucher policies than it is with tuition tax credit or scholarship tax credit programs, as tax credits reduce the revenues for the state and legislature; and, again in this instance, states with highly professionalized legislatures are more likely to adopt voucher-like policies, but less likely to allow policies giving tax breaks. In addition, while the sign

of the coefficient for legislative professionalization changes in the full model presented here, it does not change for differing models of voucher-like policies.

Beyond differences expected given the various choices made with regard to the dependent variable measure in this model, multi-collinearity may not be a problem here since multiple model variations of the one presented here have similar findings with regard to coefficient size and direction. Models run with different combinations of independent variables, but with the same dependent variable index had very similar findings, in that the various independent measures had the similar sized coefficients which did not change sign. Of course, as expected when removing some variables of interest from a model, these changes did increase the statistical significance of measures already significant in the original model, and those that were close to statistical significance (such as Catholics and LDS adherents). With these differing models, the pseudo r-squared value decreased, in some cases below 0.100, and explanatory power over the null model was lost; the full model presented here had similar coefficient characteristics to models run with various measurements excluded, yet had more explanatory power than those models.

Additionally, various indices were created using alternative dichotomous variables to those originally chosen. As noted in the second chapter, the measure for tuition tax credits and deductions is coded one for states with either of the policies; an alternative was created using only those states with tuition tax credits. Similarly, in the full model, scholarship tax credits were coded as one if a state allows for any type of scholarship tax credit program; an alternative was created with only corporate scholarship tax credit programs. Both of these alterations were chosen based on the number of states allowing for each of the alternatives. Multiple analyses run using the same independent variables on various combinations of alternative measurements were consistent with the findings presented in this chapter. LDS and Catholic congregations are significant predictors in the models, and urbanization is significant with a p-value less than 0.05 in all of the models. Adding to this, the various explanatory measurements

have relatively the same sized coefficients, and these coefficients are in the same direction as the model presented here. In one final effort to ensure against multi-collinearity issues, all three religious measurements were combined together into one measure and multiple models were analyzed with this singular religious measurement. From this, results were similar to those presented here. Explanatory coefficients had the same directional predictions, and were of relatively similar size. Ultimately, these alternate analyses suggest that multi-collinearity is not as much of an issue in the models tested here.

Instead of multi-collinearity, issues noted with this model may be an indication of an issue with one or more measurements, particularly legislative professionalization. However, this discussion will be reserved, so that measurements can be properly assessed in the models presented in chapters four and five, and any possible issues from all three analysis chapters noted together in the conclusion. Beyond these possible limitations, this analysis is limited in the sense that it cannot say that religious adherents are working within state institutions to pursue favorable private school choice policies. Given the history of some states with unsuccessful attempts to adopt school voucher policies, and the limited degree to which school voucher policies have been adopted across states, this limitation is perhaps most evident in this chapter than in other chapters. Future research in this area should focus on a more qualitative approach, in which individual states are studied in order to assess the role of religious adherents; is it in fact the case that religious groups have pursued school vouchers, and, when handed losses, move on to the pursuit of scholarship tax credit programs. In addition to this change in approach, education policies are made within institutions other than the state legislature, such as the state board of education. As differences in these institutions are highly variant across states (from the number of members to how those members are selected) it created difficulties in quantitatively controlling for these differences, future research could quantitatively assess and account for these differences. However, state boards of education are not expected to be as influential in the adoption of private school choice policies as they are in the regulation of education policies more generally, since they require passage of state laws and

legislation as opposed to regulation of an existing law; it is therefore expected that they will be more important in the restrictiveness of charter school and home school policies.

This initial analysis demonstrates the importance of Catholic congregational numbers in the adoption of private school choice policies. As expected, state private school choice policies are important as they allow for the funding of private, religious schools. These policies are favorable to Catholic congregations (and, to some extent, LDS congregations), because they increase the revenue sources for their affiliated parochial schools. In addition to more in-depth, qualitative analysis of this relationship, this quantitative analysis may have more explanatory power in a few years, after the *Zelman* decision has a chance to set-in. As *Zelman* was decided in 2002, and the dependent variable is measured in 2009, this may not provide enough of a lag to fully measure the role of religious groups in state adoptions of private school choice policies, particularly school voucher and scholarship tax credit policies. For example, now that religious adherents have the ability to use school vouchers to pay parochial school tuition and as they have been working around state constitutional limitations with scholarship programs, mobilization and adoption efforts may be on the rise, with successes coming in a few years. This emerges in Florida, where conservatives consistently pursue voucher policies (Kossan and Gersema 2010; Vu 2007; Patterson 2005), and have more recently increased the amounts of money that corporations can donate to scholarship tax credit programs, programs which then provide monies to religious schools (Weber 2010). The influence of evangelicals may be more of a factor after a longer period of time has passed. To add to this, as some states allow home schools to register as private schools or as satellite extensions of private schools, evangelicals and LDS adherents primarily concerned with home schooling may ultimately decide it's in their interest to pursue universal school vouchers to pay their expenses. However, in contrast, as vouchers have been historically opposed by teachers' unions, perhaps the future of voucher policy will be more of the status quo, with policy changes enacted by legislatures overturned by ballot initiatives or state

courts; and, where only a handful of state's have policies in place and in others battles over school choice will continue on with two highly mobilized and active oppositional forces.

Ultimately, the pattern that emerges from this analysis suggests that religious adherents are important factors to account for in the analysis of state education policies. As vouchers are highly opposed by teachers' unions, and religious groups have had to overcome constitutional barriers to these policies, there may be other areas where religious adherents are important. These possibilities are tested in chapters four and five, which examine the role of evangelicals, Catholics, and LDS adherents on charter school and home school policies; where religious conservatives have had more time, less opposition, and more legal grounding. As noted, teachers are most highly opposed to school vouchers, and have qualified opposition to charter schools. Therefore, religious adherents may have found alternative public school options in charter schools which did not have such large barriers in constitutional limitations or union opposition. While religiously affiliated charter schools are not constitutionally allowed to be given direct payments from government funds, they can (and have) restructure and remove overtly religious symbols in order to receive state funding. This restructuring of religious schools provides an even greater incentive for parochial schools affiliated with congregations as well as religious parents to pursue these policies.

**Table 6: Ordinal Logistic Regression of Restrictiveness of State Private School Choice Laws**

<i>Independent Variables</i>	<i>Model 1</i>	<i>Model 2</i>
Evangelical Congregations	0.000 (0.000)	
Evangelical Population		-0.001 (0.004)
Catholic Congregations	0.002* (0.001)	
Catholic Population		0.004 (0.005)
LDS Congregations	0.001* (0.001)	
LDS Population		0.006 (0.004)
Teacher's Influence	0.114 (0.292)	0.268 (0.330)
Urbanization	-0.054** (0.025)	-0.054** (0.025)
Dropout Rate	0.144 (0.235)	0.143 (0.228)
Legislative Professionalization	-0.809 (4.425)	3.817 (3.164)
State Contribution	-0.038 (0.038)	-0.049 (0.037)
Republican Legislative Control	-0.015 (0.026)	-0.008 (0.026)
Threshold = 0	-3.946 (3.470)	-2.991 (3.971)
Threshold = 1	-1.699 (3.443)	-8.150 (3.953)
n	49	49
Pseudo R-Squared (Cox and Snell)	.198	.181

Note(s): The restrictiveness index is lowest with no private school choice or highly restrictive laws and highest in the least restrictive states; with a range of zero to three (no state takes a three).  
Standard errors are in parentheses, and significant factors identified:  
\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

## Chapter 4: Charter Schools

The battle over school choice alternatives took on a new spin as proponents' of school vouchers encountered intense opposition to their state voucher adoption attempts. The difficulty in gaining state legalization of school voucher programs motivated advocates to search for other schooling alternatives. One such choice alternative is the charter school. Charter schooling is a market-based, school choice program in which the school is operated independently of the public school bureaucracy, yet the funding is provided via a state or local government body (Chubb and Moe 1990). Similar to school vouchers, charter schools provide a schooling alternative in which a portion of the child's education is paid for with public funding; yet, unlike school vouchers, charter schools encountered less opposition from groups such as teachers unions (Constant 2006), as they provide a possibility of more state or local oversight. Charter schools, touted as a means to achieve equality of educational opportunity for urban youth plagued by low quality schools (Coons and Sugarman 1999; Viteritti 1999), are supported by economic conservatives favoring free market approaches to schooling (Chubb and Moe 1990) and religious conservatives who find the curricular control and independence of charter schools appealing (Weil 2002). They provide the opportunity to enroll children in schools where educational quality is expected to be higher than the local public school(s), the public funding private schools miss out upon, and the ability to block unwanted teachings and programs implemented in the public schools and encourage morally acceptable lessons left out of the public school system.

School voucher setbacks suffered in the mid- to late-twentieth century prompted the search for other publicly funded alternatives to public schooling, alternatives which spurred much less opposition and gained much more support of the public and politicians alike. While opponents of school choice were focusing on keeping school voucher policies out of states, proponents of school choice programs began to target state adoption of charter schools. The popularity of charter schools grew throughout the latter part of the century, and in 1991, Minnesota signed the first charter school into law. After the passage of the

Minnesota law, the dam seemingly broke, and 19 more states passed charter laws by the mid-1990s; by 2003, 40 states and the District of Columbia had passed charter laws. These new school choice reforms did not encounter stiff resistance from teachers' unions, because charters could (and still can) be organized by teachers and set up operations with collective bargaining agreements. For teachers' unions, this is a more favorable alternative than school vouchers, as there is the possibility of union input and participation in charter school operations.

Of course, to school choice advocates pursuing chartering policies, the whole idea behind school choice is to remove problems caused by bureaucratic red tape and teachers' unions, and thus allow charters to operate within a free market context with as little regulation as possible. So, while teachers' unions were not so vehemently opposed to charter school operations, the unique coalition of liberal and conservative reformers pursuing school choice policies were just as active in the pursuits of charter schools as they were with vouchers. Charter schools are highly supported by conservatives of all types, fiscal conservatives favoring free market approaches, political conservatives opposing government regulation and restriction, and religious conservatives closely aligned with both political and fiscal conservatives. These schools are attractive options to religious conservatives seeking moral alternatives to public schooling, where secular and offensive teachings can be kept out of the classroom, which provide a share of state funds for schooling for parents that would not receive this benefit in other private or home school settings. In many states, the battle over adoption of charter schooling was much easier than were pursuits of school voucher policies. Teachers' unions were primarily opposed to school vouchers and hoped that charter policies would incorporate teachers' unions input. As such, religious conservatives and other charter school proponents have had an easier time pursuing charter school policy, and a greater opportunity to focus on the restrictiveness of state charter school policies.

More recently, as school budgets everywhere are feeling the crunch, charter schools have become an even more popular alternative for religious persons, and religious schools looking to convert to charter

school status. A recent article in the New York Times reported on the emergent trend of the conversion of Catholic schools to publicly funded charter schools, with many other parochial schools looking to follow suit (Hernandez 2009). While these new schools are to remove all religious symbols, references, and teachings, many still teach a curriculum based in “core values” (Hernandez 2009). Once charter schools came onto the educational reform scene, religious conservatives have viewed these school choice policies as a way out of the immoral public school system. Additionally, as religious adherents have encountered less opposition to charter schooling, they have had more time to give input on the finer details of the states’ policy, and more time to establish a religiously favorable policy environment.

As noted, currently forty states and the District of Columbia have enacted laws allowing charter schools to operate. However, similar to many state-controlled laws in the US federalist system, each state varies in regards to many stipulations, stipulations such as required proportion of the charter school’s instructional staff that is certified, specific allowances or disallowances of charter operations for particular groups and purposes, and appeals processes for charter applications and terminations. The pursuit of charter school operation and pressure for favorable regulation in states has brought together diverse interests on the political right and left, one such coalition being religious conservatives. This chapter will test the influence of three religious groups on state charter school policy restrictiveness. First, evangelical Christians are a group which has consistently been involved in the pursuit of religiously conservative educational policies. While they would seemingly be more supportive of school voucher policies, their inability to achieve state policy adoption has spurred expansion of school choice pursuits to charter school adoption and regulation. Evangelical Christians are expected to be supportive of the legalization of charter school operation in states, and against state imposition of charter school regulations, thus providing morally acceptable options to public schools with the added benefit of public funding.

Beyond evangelicals, two other religious groups are expected to favor charter school alternatives for their children, Catholics and LDS members. Catholics are a group which is consistently identified as

being split on many issues, particularly those classified as moral/social and economic. However, this traditional split within Catholic values is repaired when it comes to charter school options, as charter schools appeal to both the progressive wing concerned with social justice and provision of equal educational opportunities and more conservative wings concerned about moral alternatives to public schooling. In addition to these unifying factors, Catholics are a religious group which has a history of providing parochial schooling options to low-income youth in urban areas as well as higher income youth in suburban areas; the trend of conversion from parochial to charter school is one which has originated with these schools seeking alternative means to fund their operations. Finally, LDS adherents are a religious group which is just as conservative (if not more conservative) as evangelical Christians. They have religiously conservative views about the role of women in society, morality issues like abortion and LGBT rights, and the moral demise of the public education system. As noted in the first chapter, they were identified as a group which was highly active with the recent reversal of gay marriage rights in California, based out of a concern that these relationships would be validated in public school teachings. These two religious groups are expected to have similar incentives for preferring charter school legalization and lenient charter regulations, namely, independence from governmental influence on schooling and curricula.

Apart from religious adherents, other state level factors expected to be important predictors of policy adoption and regulation are included in this analysis. As charter schools are an economically conservative educational reform option, states where Republicans control the legislature are expected to be more likely to adopt charter laws, and less likely to limit them with regulations. Additionally, states that provide larger proportions of the public school budget should be more likely to adopt charter school policy, with fewer constraints on charter school operation. While teachers' unions are not generally supportive of school choice programs, they are less opposed to charters than to vouchers, and are therefore expected to have less of an influence on charter school policy adoption. Further, while teachers'

unions did not necessarily oppose charter school adoption (perhaps because unionized teachers can be mandated in policy), teachers' would not support highly permissive charter school policies. Similarly, states with highly professionalized legislatures are expected to be more likely to allow charters, but also more likely to regulate them. Lastly, charter schools are framed within a context of urban school reforms, those reforms targeted toward providing quality educational opportunities for at-risk, low-income, and minority youth in urban school districts. It is therefore expected that states with larger urban populations and those with higher dropout rates will be more likely to adopt charter schools, and, in an effort to encourage innovation, place fewer regulations on these schools.

In comparison to school vouchers, charter schools have experienced less opposition from teachers' unions and more state policy adoption victories. States have also had more time to tinker with the finer points of charter school policies. Based on this, it is expected that religious groups have had more of an opportunity to get involved in state charter school policies, and will have more influence on these policy decisions. Past research has looked into the role of organized groups in school choice reform, such as state school voucher policy (Constant 2006) and charter school laws (Schober, Manna, and Witte 2006), yet the connection between religious influence and charter school regulation has not been tested (as these authors did not include religious measures). As evangelicals have been largely present, yet unsuccessful in the adoption of the use of school vouchers, they, along with the broader school choice movement, have shifted their policy focus to charter schooling, where there has been greater success. This chapter assesses the influence of religious conservatives on the state adoption and regulation of charter schools.

In measuring the role of religious adherents, two different measures are used, congregations and population rates. These measures are expected to have similar relationships with charter school restrictiveness, in that religious parents, advocates, and congregations are expected to have an interest in these policies. This chapter tests these relationships using two indices of charter school restrictiveness,

which were created using information collected from the Education Commission of the States web-site. For both of the indices, a zero is an indication of the state having no charter laws (and highly restrictive laws for low values) and higher numbers an indication that states have charter laws, yet these laws are have little to no restriction. The first index ranges from zero to ten, and incorporates adoption, teacher qualification, religious restriction, appeals processes for denied applications to operate charters, and appeals processes termination of operation licenses. The second index ranges from zero to six, and only includes adoption, teacher qualification, and religious restriction. As the indices are ordinal level measurements of restrictiveness, ordinal logistic regression is used.

#### *Results and Analysis:*

The influence of religious populations on the restrictiveness of state charter school laws is tested in the models presented in tables one through four. The first two tables present the ordinal logistic regression results for the two restrictiveness measures, with the first models in each table testing the influence of religious congregations and the second models in each table testing the influence of religious population rates. In these tables, the estimates for thresholds, or cutpoints, are left out for reasons of space, and are therefore given in tables 3 and 4. The first model in the first table provides regression results for the influence of religious congregations on the full restrictiveness index. From this model, one can see that two of the three religious groups, evangelical and LDS congregations, are significant predictors of state charter law restrictiveness (with a p-values less than 0.05), whereas Catholic congregations are not significant at all. For all three religious congregations, the coefficients indicate a positive influence, such that higher numbers of congregations would lead to higher values on the range, indicating less restrictive laws. To understand the influence of evangelical congregations, predicted probabilities were run using the zelig package (Imai, King, and Lau 2008a) in the r statistical software.

For states with lower levels of evangelical populations, there is about a 20% probability of no charter school law, with a 15-20% chance of highly restrictive laws in those states that allow charter

schools to operate. Additionally, states with lower numbers of evangelical congregations have a probability of about 25% that state laws will be near the middle level of restrictiveness, and have a restrictiveness level of six. As the number of evangelical congregations increases, the likelihood of the state having more favorable charter school laws increases. For example, states with average numbers of evangelical congregations are most likely to have moderately regulated charter schools, with about a 30% probability of a level six, and a 20% probability of level eight. These states have about a 12-13% probability of having no charter law or a highly restrictive law. In states with the highest numbers of evangelical congregations, the least restrictive charter school laws are the most likely, where each of the three highest index levels has about a 20% probability, and a level six restrictiveness has about a 10% probability. Overall, for this model, the probability of high restrictiveness decreases as the number of evangelical congregations increase; and, the probability of low restrictiveness increases as the number of evangelical congregations increases. In comparison to the model in chapter three, this model indicates a more significant and influential role of evangelicals with regard to charter school policy restrictiveness.

This finding is consistent with expectations about the influence of evangelical congregations, and the pattern is repeated for LDS congregations. States with lower numbers of LDS congregations are most likely to have a category six level of restrictiveness (about a 30% probability), followed by either no charter school law, a highly restrictive law, or a minimal degree of restrictiveness with a level eight (each with about a 15% probability), with level seven close behind. With average numbers of LDS congregations, states are still most likely to have policies in the middle range of restrictiveness (about a 30% probability of level six), are second-most likely to have a lesser degree of restriction (about a 20% probability of level eight), and have a little over a 10% probability of having no law or a highly restrictive law. With higher levels of LDS congregations, states are most likely to have the least restrictive charter laws (a 40-45% probability of a level ten), followed by the second-most lenient charter laws (20% probable) and third-most lenient charter laws (about a 15% probability of a level eight). In comparison to

school vouchers, LDS congregations are more significant with respect to charter school law restrictiveness (although they are still significant for voucher policy), with both having similar predicted relationships.

The relationships between evangelical and LDS congregations are clear, in that they are both statistically significant predictors, and the predicted probability of state charter policy indicates that for states with smaller numbers of these congregations policies will be more strict and states with larger numbers of these congregations will be more likely to have lenient restrictions. The relationship with Catholic congregations is not as clear. First, Catholic congregations are not significant predictors of state policy. Second, there is very little change in the predicted probabilities of state policy with changes in numbers of Catholic congregations. Where congregational numbers are there smallest, states are 20-25% likely to have middle range or lower levels of restrictiveness (levels six or eight), and about 10% likely to have no charter policy, most restrictive policies, or a level seven policy restrictiveness. These relationships are similar where states have average numbers of Catholic congregations, where the likelihood of a level six slightly increases, and the likelihood of the state having no charter school law, highly restrictive laws, or a low level of restrictiveness (level seven) decreases slightly. Finally, with high numbers of Catholic congregations, states are still most likely to have a middle level of restrictiveness (about a 25% chance of a level six), yet are second-most likely to have no charter school policy (about 20%), followed by either the most restrictive charter laws or the third least restrictive laws (each with a 15% probability). While Catholic congregations are important with regard to state school voucher policy, they are not influential with regard to charter school policy. This difference could be an indication of Catholic preference toward maintaining parochial schooling and pursuing public monies for those schools; in addition, it may also be an indication that Catholics have more recently began the pursuit of favorable charter policies (for conversion purposes) such that their role may become more apparent in a few years.

In addition to evangelical and LDS congregations, state dropout rate, urbanization, teachers' unions, and Republican control are also significant factors in the prediction of charter law restrictiveness; where dropout has a  $p$ -value less than 0.01, urbanization and Republican control have  $p$ -values less than 0.05, and teachers' union strength have  $p$ -values less than 0.10. Additionally, each of the alternative explanations of charter school restrictiveness has a coefficient in the expected direction. As a state's dropout rate increases (and education quality decreases), likelihood of restrictiveness decreases, meaning that the need to provide quality schooling alternatives leads to less state restriction of these alternatives. The same expectation holds with urbanization, in that states with larger urban populations are less likely to restrict the operation of charter schools, and Republican control, where states where the legislature is controlled by the Republican Party are less likely to restrict charter schools. Alternatively, states with strong teachers' unions, with highly professionalized legislatures, or where the state provides larger proportions of the school budget are more likely to restrict charter school operation. For states with strong teachers' unions, it is expected that charter adoption will not be as highly opposed as voucher adoption, yet that regulation of charters will be just as important. Therefore, given the created index, it is not outside of expectations that states have adopted these policies, but have placed stiff restrictions on these policies. The state's policy is most likely to be the highest degree of restriction with an adopted policy, such that it will not be a zero (most restrictive), but will be a two (the most restrictive possibility for states with a charter school policy in place). This is also the expected relationship with legislative professionalization. States with professionalized legislatures are more likely to innovate and adopt charter school policies. These states are also more likely to impose regulations. It is therefore expected that these states will have a policy, but highly regulate the policy. Finally, with regard to state contribution, this is not the expected relationship, and may be a function of including appeals process measurements, such that states that supply larger proportions of the public school budget may be less likely to allow for appellate processes if charters are deemed fiscally inadequate or irresponsible or unable

to fulfill educational obligations to students; if this is the case, the second restrictiveness without these measures will not have these coefficient issues.

Looking toward the second model in the first table, similar patterns emerge. Evangelical and LDS populations are significant predictors of state charter school restrictiveness, with p-values less than 0.01 and 0.05, respectively. Additionally, the predicted probabilities of restrictiveness levels move in the directions predicted. For evangelical populations, states with small evangelical population rates are most likely to have high levels of restrictiveness, with 30-35% probability of no charter law, and about 20% probability of having the second highest restrictiveness (a charter law with the most restrictive policy) and a middle level of restrictiveness (level six). For states with average evangelical population sizes, moderate restrictiveness levels are most likely, with about 30% probability of a level six and 20% of a level eight, with just under a 15% probability of having the second most restrictive state charter policy. In states where evangelicals are a larger proportion of the population, minimal charter school restrictions are most likely, with a 30% probability of having the second least restrictive policy (as well as a 30% probability of the third least restrictive policy), and a 20% probability of the least restrictive charter school policy. These findings are consistent with the findings above about the influence of evangelical congregations on charter school restrictiveness as measured by the full restrictiveness range. Yet, the population measurement seemingly offers more explanatory power with regard to charter school restrictiveness, as it is more significant and indicates a more influential predicted relationship.

As with congregations, the findings regarding LDS population rates are also consistent with the patterns found in regards to evangelical population rate, in that LDS populations are significant, yet have a smaller degree of predicted influence. In states with smaller LDS populations, the most likely charter policies (about a 30% probability) are the middle range of restrictiveness and (a restrictiveness level of six); followed closely by having no charter policy, the most restrictive charter policy, and a restrictiveness level of seven (each about 15% probable). States with average sized LDS populations are also most likely

to have middle level restrictiveness (about a 30% probability of a level six), yet are second-most likely to have a lower restrictions (a 20% probability of a level eight), followed by a level seven policy, highly restrictive charter policy, and no charter policy (each about 10% probable). If states have large proportions of LDS populations, they are most likely to have the least restrictive charter school policies (60-65% probable), followed by the second least restrictive charter school policy (about a 15% probability). Similar to LDS congregations, states with small and average proportions of LDS populations are most likely to have middle levels of restrictiveness, where states with large LDS populations are predicted to have the least restrictive charter laws. This relationship is however more distinct with regard to LDS populations.

As noted with Catholic congregations, the relationship between Catholic populations and charter law restrictiveness is weak, and is not significant. All states are most likely to have middle level restrictiveness (about a 25-30% probability), regardless of the size of the Catholic population. In addition, the probability of the second-most likely level of restrictiveness is the same regardless of Catholic population size, and is about 20% for a level eight. Finally, all states have about a 10-12% probability of having no charter school policy, the most restrictive charter school policies, and a level seven charter school policy. While Catholic populations are not significant with regard to either voucher or charter policy, they seemingly have more of a predicted influence with regard to voucher policy.

In addition to these patterns, similar patterns emerge regarding the significance and influence of other explanatory measurements. Dropout rate and urbanization are both significant with a p-value less than 0.01, where states with larger urban populations or higher dropout rates are less likely to restrict charter school operations. As noted above, these findings are consistent with expectations that states with greater educational need will be more likely to adopt and less likely to restrict charter schools. Furthermore, states with higher degrees of Republican Party control are less likely to regulate charter schools (with a p-value less than 0.05), states with strong teachers' unions are more likely to regulate

charter schools (where the p-value is less than 0.05), and states which provide larger proportions of school funds are more likely to regulate charter school operations (not significant). However, while not a significant predictor, in the second model legislative professionalization influences restrictiveness in the opposite direction than expected, and in the opposite direction of the first model. Although the direction of legislative professionalization would call this model into question over the other model, the pseudo r-squared values for these two models would seemingly suggest the opposite. For the first model, the Cox and Snell pseudo r-squared value is .406, whereas it is .492 for the second model; suggesting that the model using religious population measurements provides the best improvement from the null model to the fitted model. These divergent views in addition to the finding that all thresholds for both models are significant, seemingly both models offer elements of explanation for the restrictiveness of charter school laws.

In the second table, and models three and four, many of these findings are repeated, yet explanatory power of Republican control is lost, while explanatory power of state contribution is gained. For starters, when model three is run using religious congregational measures and a restrictiveness index with appeals processes omitted, evangelical and LDS congregations are significant, with p-values less than 0.05. With this restrictiveness measurement, a more refined pattern begins to emerge with regard to the predicted probabilities of restrictiveness levels given the number of evangelical congregations. First, states with smaller congregations are most likely to have moderate restrictions, with about a 50% probability of a restrictiveness level of four, and second most likely to have the ultimate restriction of no charter allowance, with about a 20% probability. For states with the average number of evangelical congregations, the most likely level of restrictiveness is again a four, with about a 58% probability, followed by less restriction, with about an 18% probability of a restrictiveness level of five. For states with the highest numbers of evangelical congregations, the probability of the least degree of restrictiveness (level six) is about 40-45%, with the probability of a level five about 25%, and the

probability of a level four about 20%; states have an 85-90% probability of having the least restrictive charter school laws.

The number of LDS congregations in states reflects a similar pattern, in that states with smaller numbers of congregations are most likely to be restrictive, and states with higher numbers of LDS congregations are least likely to be restrictive. Where LDS congregations are at their lowest, states have a 50-55% probability of having a middle level of restrictiveness (a level four), and a 15% probability of having a slightly less restrictive policy (level five) and of having no charter school policy. States with average numbers of LDS congregations are still most likely to have a middle level of restrictiveness (about 58%) and second most likely to have a slightly less restrictive policy (about an 18% probability of a level five), but are less likely to have no charter school policy (about 10% probable). For states with higher numbers of LDS congregations, there is an 80-85% probability of having either the least restrictive charter school policy (60-65% likelihood) or the second least restrictive charter school policy. While Catholics are again not significant in this model, their coefficient falls in line with expectations, just not to the degree to which LDS congregations and evangelical congregations are able to predict and influence charter school restrictiveness, or lack thereof. States with smaller and average numbers of Catholic congregations are most likely to have moderately restrictive charter policies (a 55-60% probability of a level four), followed by a slightly less restrictive policy (about a 19% probability of a level five) and no charter school law (about a 10% probability). With larger numbers of Catholic congregations, this pattern still holds, with slightly lower probability of a middle tier restrictiveness (about 45%), and an increased probability of less restrictive laws (about 20% for level five) and no charter law (about 15%). Overall, the congregational measurements for the second index indicate a similar relationship to relationships from the first index, such that evangelical and LDS populations are significant and offer a bit more explanation in regards to predicted influence.

In the third model, the various alternative explanations also indicate influence in the directions expected. Dropout rate is the most significant predictor in the model, with a p-value of less than 0.001, and indicates that as a states dropout rate increases, their likelihood of regulation decreases. Additionally, urbanization (with a p-value less than 0.10) and Republican control (not significant) indicate that as the size of a states urban population increases and the degree of Republican control increases, the likelihood of charter policy restrictiveness decreases. Explanatory factors which have the opposite effect are teachers' union strength (p-value less than 0.05), state contribution (less than 0.05), and legislative professionalization (not significant). In states with strong teachers unions, with highly professionalized legislatures, and where the state is responsible for a larger proportion of the education budget, charter school laws are likely to be more restrictive. These findings are consistent with the first model in this chapter, such that teachers' unions may have been more open to the adoption of charter school policies, but with stipulations regarding their regulation. Similarly, legislative professionalization is expected to increase the likelihood of adoption as well as the likelihood of regulation. The relationships of state contribution and Republican control are in similar directions to the first model, yet alternate significance. This interesting dynamic may be a result of the differences in the variables composing each index.

In the fourth model, the restrictiveness index ranges from zero to six as it does in the third model, but is tested using measures of religious population rates as opposed to religious congregations. Once again, evangelical and LDS populations are significant (with p-values less than 0.05 and 0.01, respectively) and positive, and Catholic populations are not. Looking at the predicted probability of restrictiveness given the size of the evangelical population, the relationship is repeated. For states with smaller evangelical populations, the most likely categories are complete restrictions, with no allowance of charter schools (a probability of 30-35%) or a moderate level of restrictiveness (with a level four probability of about 35%). For states with an average sized population of evangelicals, there is a 58% probability of a restrictiveness level of four, and a 15% probability of a slightly less restrictive level five

(with only about a 10% probability of no charter policy). Finally, for states with large numbers of evangelical populations, the predicted probability of the least degree of restrictiveness is the highest (at about 40%), with the second-most probable level being just below at level five (about 30-35% probable), followed by a level four (about 20% probable).

In a similar fashion to the previous models, the size of the LDS population is statistically significant, with slightly less explanatory power than evangelicals and a lower likelihood of regulation for states with larger LDS populations. Consistent with the first few models, for states with low and average sized populations the most likely level of restrictiveness is the middle category, with over a 50% probability of category four. In these states, this probability is followed by slightly less restrictive policies or no charter policy, where they are 11% and 15% likely, respectively, for small populations and these probabilities reverse for average sized populations. Finally, for large LDS populations, states are least likely to regulate charter school policies (about 80% probable). The pattern for Catholics in the first few models is repeated in regards to the population model of the second table. Regardless of the size of the Catholic population, the most probable policy is the fourth level of restrictiveness, ranging from 55% probable in states with smaller populations and 45% in states with large Catholic populations. With small populations of Catholics, states are equally likely to have no charter school policy as they are to have a level five (or low restriction) policy (each about 15%, but no policy slightly more likely); with average sized Catholic populations, likelihood of level five slightly increases, with probability of no policy decreasing. In states with larger Catholic populations, there is a 25-30% probability of having the lowest two categories of restrictiveness (level five about 20-25%), followed by a less than 10% chance of no charter school policy.

For other explanatory variables, a similar pattern emerges to the one from the third model. States with higher dropout rates, larger urban populations, and a greater degree of Republican control of the legislature are less likely to restrict charter school operations (with p-values less than 0.0001, 0.10, and no

significance, respectively). Alternatively, states with stronger teachers' unions (p-value less than 0.01) and those that supply a larger proportion of the education budget (p-value less than 0.05) are more likely to regulate charter schools. However, different from the third model but similar to the second model, the directional influence of legislative professionalization is opposite of what is expected; but, it is not significant in any of the models presented here. Similar to the first two models above, the model using the population measurements finds an opposite influence of legislative professionalization from what is expected, yet has a pseudo r-squared value that is higher, and indicates increased model fit. However, different from the first two models, the thresholds of the third and fourth models are not all significant; only one of the thresholds in these models is significant.

*Summary:*

Ultimately, some patterns begin to emerge from these analyses. First the prevalence of evangelical and LDS adherents are important factors in the prediction of charter school restrictiveness, regardless of whether one uses population rates or congregational numbers; neither Catholic populations nor Catholic congregations are not significant predictors. Next, as expected, larger religious populations or congregational numbers are predicted to lead to lesser degrees of charter school restrictiveness. In addition, most other alternative explanations behave in the direction predicted, such that large dropout rates, large urban populations, and high degrees of Republican control predict lower levels of state charter school restrictiveness; and states with strong teachers' unions and where the state is responsible for a larger proportion of the school budget are more likely to restrict charter school operations. With regard to teachers' unions, past research would suggest that teachers' unions should be more receptive of charter adoption, with regulation requirements, than they are with regard to vouchers, but this chapter indicates a more influential relationship with regard to charter schools. If these states do have charter school laws, they are also more likely to restrict the operation of the charter schools. The willingness to allow adoption with high degrees of regulation may be the influential factor in the findings on the strength of

teachers' unions; they are able to predict strict charter school laws. A similar pattern could be driving the state contribution measure, in that states with larger proportions of the public school budget will be more likely to adopt charter schooling options (for economically conservative reasons). However, these states may also be more likely to heavily regulate charter schools, so as not to waste even more money on failing schools. The negative finding could indicate strict chartering policies. The congregational and population models demonstrate some explanatory difficulty, as legislative professionalization is predicted to increase regulation in the first and third models, and decrease regulations in the second and fourth models; it is, however, not significant in any of the models. Even with this issue, the pseudo r-squared values seemingly indicate a slightly better model fit for the models using population measurements, with these coefficients also being slightly more significant. However, the pseudo r-squared values are not largely different and the p-values not much more significant in the population model, such that the congregation model would also provide a great deal of explanatory power. In relation to predictions about charter schools, this research expected that both congregations and populations would lend themselves to explaining variations in state charter policy restrictions. This expectation holds.

Next, models one and two differ from models three and four, in that Republican control is significant in the first two but not the last two, whereas state contribution is not significant in the first two, but is significant in the last two; this difference is likely indicative of the difference between the restrictiveness measures, where the first two included appeals processes, and the latter two excluded them. This relationship indicates that Republican control becomes more important when accounting for appellate procedures and state contribution more important when leaving them out. A few interesting possibilities result from these relationships. One, if Republican control is important in the first set of models, but not the last, perhaps Republican legislatures ensure that chartering entities are given all possible chances of success. Secondly, as state contributions are not important in the first models, but are important in the second two, perhaps states which provide larger proportions of the schooling budget are

important with regard to the allowance of charter schools, and the regulation of teaching certification and religious affiliations of those schools, but do not want to spend additional funds monitoring those schools. A final interesting finding of this research is that the relationship between religious adherents and charter school policy restrictiveness is much stronger than the relationships found with regard to voucher policy, as evangelicals and LDS adherents are both significant for all models here, and only LDS congregations are significant for private school choice adoption. For Catholics, neither congregations nor populations are significant predictors of state policy, yet congregations are significant predictors in regards to state voucher policy. Given the trend suggested by Hernandez (2009), this may be a more recent occurrence, such that the influence of Catholic groups on charter restrictiveness is just now being felt, and may not become evident for years to come.

This chapter presents a preliminary analysis of religious influence on charter school adoption and regulation, finding a role of religious groups, particularly evangelicals and LDS adherents, in these state laws. It builds on the groundwork of past research on religious influence on public school education curriculum and programming, and on the work presented in the preceding chapter indicating a role of religious groups in private school choice policy adoption. This research cannot however explain how religious groups influence school choice policies, whether by lobbying the state legislature, or electing religiously conservative candidates to state and local boards, or joining groups and pursuing religiously favorable policies at the state and local levels. In order to accomplish this task, future research could look into the relationships and processes within government, conducting a more qualitative analysis of these dynamics, and seeking out alternative measures of state level political factors, such as election or appointment of board members and the political composition of key commissions, departments, and boards. Methodologically speaking, some of the explanatory power of evangelicals and other religious groups may be lost in these cross-sectional analyses, such that a time series analysis of the year of adoption could provide more of an explanation; particularly as it relates to measurement of the current

state of Catholic influence. However, as the Glenmary measurement of evangelical populations is not available in their studies published before the year 2000, this feat becomes difficult; the key explanatory variable does not exist across time in a consistent measurement. This preliminary analysis investigated religious influence on state adoption of charter school laws, and some of the restrictions of those laws, suggesting that religious groups play a role in state charter school adoption and regulation. In addition, religious evangelicals may also have policy interest and influence in other state-level education reforms. The fifth chapter of this volume analyzes the role of evangelicals and LDS adherents on one such reform, home schooling.

**Table 7: Ordinal Logistic Regression of Restrictiveness of State Charter Laws  
(Including Appeals Processes)**

<i>Independent Variables</i>	<i>Model 1</i>	<i>Model 2</i>
Evangelical Congregations	0.000** (0.000)	
Evangelical Population		0.010*** (0.004)
Catholic Congregations	0.000 (0.001)	
Catholic Population		0.000 (0.004)
LDS Congregations	0.001** (0.001)	
LDS Population		0.010** (0.004)
Teacher's Influence	-0.427* (0.222)	-0.779** (0.259)
Urbanization	0.043** (0.019)	0.057*** (0.025)
Dropout Rate	0.576*** (0.202)	0.578*** (0.206)
Legislative Professionalization	-1.221 (3.376)	2.721 (2.478)
State Contribution	-0.013 (0.025)	-0.030 (0.025)
Republican Legislative Control	0.043** (0.020)	0.057** (0.025)
n	49	49
Pseudo R-Squared (Cox and Snell)	.406	.492

Note(s): The restrictiveness index is lowest with no charters or highly restrictive laws and highest in the least restrictive states, with a range of zero to ten.

Standard errors are in parentheses, and significant factors identified:

\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

**Table 8: Ordinal Logistic Regression of Restrictiveness of State Charter Laws (Excluding Appeals Processes)**

<i>Independent Variables</i>	<i>Model 3</i>	<i>Model 4</i>
Evangelical Congregations	0.000** (0.000)	
Evangelical Population		0.010** (0.004)
Catholic Congregations	0.000 (0.001)	
Catholic Population		0.003 (0.004)
LDS Congregations	0.001** (0.001)	
LDS Population		0.010*** (0.004)
Teacher's Influence	-0.624** (0.245)	-0.705*** (0.269)
Urbanization	0.034* (0.020)	0.040* (0.021)
Dropout Rate	0.833*** (0.231)	0.755*** (0.226)
Legislative Professionalization	-1.277 (3.657)	3.274 (2.635)
State Contribution	-0.063** (0.028)	-0.071** (0.028)
Republican Legislative Control	0.008 (0.021)	0.019 (0.025)
n	49	49
Pseudo r-square (Cox and Snell)	.457	.468

Note(s): The restrictiveness index is lowest with no charters or highly restrictive laws and highest in the least restrictive states, with a range of zero to six.

Standard errors are in parentheses, and significant factors identified:

\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

**Table 9: Threshold values for Table 1**

<i>Thresholds</i>	<i>Congregation Coefficients</i>	<i>Population Coefficients</i>
0	4.469* (2.539)	6.378* (3.559)
4	5.354** (2.574)	7.346** (3.596)
5	5.595** (2.585)	7.597** (3.606)
6	6.872*** (2.649)	8.936** (3.666)
7	7.364*** (2.671)	9.473** (3.686)
8	9.104*** (2.752)	11.404*** (3.761)
9	10.651**** (2.851)	13.129*** (3.870)

**Table 10: Threshold Values for Table 2**

<i>Thresholds</i>	<i>Congregation Coefficients</i>	<i>Population Coefficients</i>
0	0.433 (2.633)	2.496 (3.536)
2	0.919 (2.642)	3.026 (3.548)
3	1.050 (2.645)	3.169 (3.552)
4	3.806 (2.716)	5.950 (3.626)
5	5.881** (2.752)	7.991** (3.664)

## Chapter 5: Home Schooling

A central theme of the analyses in this volume is the influence of religious conservatives on state educational policy decisions. Religious conservatives contend that public schools are low quality and immoral. They decry the textbooks, curriculum, program, and facilities saturated throughout the public school system, and have constantly sought out means to change the public schools and alternative schooling options. In reaction to these public school curriculum issues, religiously conservative parents have taken three basic steps, pursuing change within the public school system, seeking out alternative schooling in institutional settings, and opting out of institutionally structured schools altogether. As noted, there has been a decent amount of research and analysis in regards to the first path chosen by religious conservatives. The third and fourth chapters of this larger work are dedicated to institutional schooling alternatives, such as those offered by public and private school choice. This chapter focuses on the third option chosen by religious conservatives, home schooling. Home schooling is generally defined as schooling which occurs outside of an institutional school setting, where parents are the primary instructor or are supervising the primary instructor/tutor. However, more recently, state home school laws allow for the option of classifying home schools as private schools, or satellite extensions of private schools, and some allow students to take courses within private or public schools.

The tradition of American schooling has roots in home schools, in that wealthier, urban parents in the late-eighteenth and early-nineteenth centuries were afforded the options of sending their children to private school or instructing children in the home (Reich 2002b; Emirbayer 1992). For many parents tutoring was a more attractive option because of the curricular control it offered and the status associated with being able to provide children private tutors (Reich 2002b). During the Progressive Era, public schooling made its way onto the radar of many reformists who saw the school system as a way to provide equal educational opportunities to children from poorer families, as well as a chance to Americanize immigrant youth and families through these schools (Reich 2002b; Emirbayer 1992; Knowles, Marlow,

and Muchmore 1992). As a result, compulsory public school attendance laws were implemented in all states by 1920, and home schooling became both illegal and socially unacceptable (Reich 2002b; Knowles, Marlow, and Muchmore 1992). In the mid-twentieth century, parents concerned about both the content and the quality of education began to seek out public school alternatives such as home schooling, but, the legal and social status of home schooling limited the degree to which parents were willing to take associated risks.

The legal status of home schools soon began to change, as religious parents started challenging compulsory attendance laws, and won a victory with the Supreme Court's decision confirming parental and religious freedoms in the determination of a child's education (*Wisconsin v. Yoder* 1972). Following this, many states began to remove compulsory attendance laws, and those that did not were left with the possibility that religious conservatives would end up in the court system because they opted to home school their children (Knowles, Marlow, and Muchmore 1992). In many instances, the arrest and imprisonment of home schooling parents was a media field-day, particularly in some cases where home schoolers were local church leaders (Knowles, Marlow, and Muchmore 1992). Ultimately, a home school challenge made its way up to the federal courts, and evangelical Christian parents challenged compulsory attendance citing morally objectionable texts within a public school classroom (*Mozert v. Hawkins* 1987). While the parents were unsuccessful in their attempt to challenge public school compulsory attendance laws in the federal court (*Mozert v. Hawkins* 1987), they did achieve success in that the remainder of states removed compulsory attendance laws from the books (Reich 2002b).

The public school alternative offered by home schooling is an ideal choice for religious parents, because it provides parents control the content of their child's education and the opportunity to insulate their children from mainstream, secular society. These parents have consistently pushed for less government intervention in the educational choices made on behalf of their children, from the allowance of home schooling to the regulations and restrictions placed on those home schools (Wilcox and Larson

2006; Cigler, Joslyn, and Loomis 2003; Lines 1998; Bates 1991). Religious groups, such as members of the Christian Right and the Home School Legal Defense Association (HSLDA), have lobbied state legislatures in an effort to limit the regulations on home school activities, bookkeeping, content, instructor qualifications and student assessment (Wilcox and Larson 2006; Cigler, Joslyn, and Loomis 2003; Wald 2003; Lines 1998; Bates 1991) and ensure parental and religious rights to make educational choices (Farris 2009; HSLDA 2009; Bates 1991). These groups are now highly mobilized at the state and national levels, and beyond providing legal advice and support, the HSLDA has created a network of home schooling parents and advocates and provides curricular support and materials to families (Lovan 2010). The continued mobilization and professionalization of the home schooling organizations has been “tied to the general and continued growth of the religious right during the [1980’s]” (Knowles, Marlow, and Muchmore 1992, 218), and is evidence today in grassroots lobbying efforts (Cigler, Joslyn, and Loomis 2003; Bates 1991) and national organizations such as the HSLDA. More recently, the HSLDA has become so much of a driving force in home school policy regulation and curricular supplements that home schooling parents who are not religiously conservative have had a difficult time in finding science books where evolution is discussed as a scientific theory (Lovan 2010). Ultimately, the HSLDA is closely tied to religiously conservative universities (which build tomorrow’s leaders with an eye for home schooler’s rights), and works with evangelical parents to ensure their right to home school (Farris 2009; HSLDA 2009).

The right to home school has been established and cemented over time, and home schools are now legally allowed in all fifty states. However, as with most other educational policies, states still maintain control over the restrictions on and operation of home schools within their borders. Individual state control over policy has led to a system in which there is a great deal of variation on the degree to which home schools are regulated across states. As the number of religiously motivated home schools has risen, there has been a simultaneous decrease in the restrictiveness of home schools (Reich 2002).

One reality of the current system is that some states, such as Alaska, do not place any requirements on home schools, even a requirement to notify the state or local board of the intent to operate a home school. As such, there is no way to know how many children in the United States are being home schooled (Reich 2002; Lines 1998; Knowles, Marlow, and Muchmore 1992), let alone whether or not these home schooled children are receiving an adequate education. Some states, such as New York, are highly restrictive and regulatory, monitoring everything from curriculum and testing to attendance and recordkeeping. Other states, such as Virginia, have regulations in name only, in that religious home schools are exempted from regulations imposed on other home schools (particularly teacher qualification, curricular, and testing requirements). Finally, there are other states that just don't regulate home schooling at all. Some state home school policies allow home schooling for single families, whereas others allow group home schooling. Beyond these policies, some states automatically categorize or allow for home schools to be categorized as private schools (or satellites of private schools), such that unregulated home schools would be able to receive funding with favorable voucher or scholarship tax credit programs. The analyses in this chapter tests the expectation that states with larger numbers of religious adherents will be less likely to regulate home schools. It is expected that religious persons will pursue state policies which limit the degree of policy influence imposed on home schools by state governments.

There are two religious groups tested in this analysis, evangelical Christians and LDS adherents. First and foremost, evangelical Christians are a highly mobilized group which has historically and continuously pursued favorable state and local education policies. These members of the Christian Right were the force behind many of the changes in state compulsory attendance laws, as they pursued legal changes through the court system. Additionally, evangelicals are much of the mobilization and activism behind the HSLDA. As Cigler, Joslyn, and Loomis (2003) note, in the state of Kansas, members of the Christian Right attempted to keep the state from regulating administrative records and content, suggesting that evangelical influence may be targeted toward notification and testing requirements, as opposed to

instructor qualifications. LDS adherents are a religious group which is considered to be just as, if not more, socially and economically conservative than evangelical Christians. They have a tradition of both private schooling, and group home schooling to avoid the immoral, mainstream, secular nature of the public school system. Similar to the previous two chapters, this chapter will test the influence of both religious congregations and population rates on the degree of restrictiveness of a state's home school policies. In contrast to chapters three and four, it is expected that religious populations will have more explanatory power in these models, as home schools are not necessarily tied to specific congregations in the way that parochial schools are. This is supported with findings that home schools have been pursued by more grassroots, independent lobbying efforts apart from congregations (Bates 1991). Furthermore, as religious parents have a cemented right to home school their children (stipulated in *Wisconsin v. Yoder* 1972), and have been more successful in the pursuit of home school alternatives, the influence of religious adherents is expected to be greater with regard to home school policies than it is for private school choice. Charter schools have a broader support base, and are able to bring in supporters from both liberal and conservative wings of religious groups. This suggests that, while religious groups are expected to be more influential on home school regulations than on charter regulations, this difference will be smaller than it is for the difference between home school and voucher policy influence. Evangelicals have been driving forces behind home school legalization and regulation. Home schools are a most preferred alternative for parents seeking religious schooling options (Weber 2010; The Economist 2009; Wilcox and Larson 2006), particularly those looking to opt-out of institutionalized or mainstream schooling altogether (Robertson 2010; Wilcox and Larson 2006). Therefore, evangelicals are expected to be more important with regard to home school policies, yet LDS adherents may have a similar role in both charter and home school policies.

Home schooling policies have attracted the attention of oppositional forces, more specifically teachers' unions. While teachers' unions have been unsuccessful in maintaining state compulsory

attendance laws, they still attempt to maintain input in the regulations and restrictions placed on home schools (Reich 2002b). Most specifically, teachers' unions are expected to push for home school policies that require at least notification of the family's plan to home school, and are further expected to pursue policies that require periodic testing as it is required in public schools (particularly where the parent does not meet basic educational qualification requirements). While they have a preference toward requiring parental qualification and a standard curriculum, the evaluation requirement is expected to be more important as it measures student mastery of core subjects required from a curriculum and, to some degree, quality of instruction in these subjects.

In addition to the strength of teachers' unions, other state level factors expected to be important in policy restrictiveness are also included in this analysis. For one, home schooling regulations are expected to be lessened for states where no public school is nearby, such that states with smaller proportions of residents living in urban areas (larger populations in rural areas) will be less likely to regulate home schools. However, as noted in the first and second chapters, the concept and measurement of state urbanization uses greater metropolitan areas, areas which encompass suburban communities. As home schooling has grown in suburban areas, this measure of urbanization may actually indicate a relationship opposite of the one expected. If public school quality in a state is low (or the dropout rate is high) states will be more open to encouraging students to opt out of the failing public school system, and should therefore be less likely to regulate home schools. States that supply larger proportions of the public school budget will want to encourage families to bear the cost burden of schooling, which leads to the expectation that the state will be less likely to regulate home schools. Similarly, where state legislatures are controlled by Republicans, policy is expected to be less regulatory and more fiscally conservative, such that these states will be less likely to regulate home schools. Finally, highly professionalized legislatures are expected to be more likely to implement and regulate policy, such that states with highly professionalized legislatures are expected to have more restrictive home school policies.

This analysis tests influences on home school policy restrictiveness using three dependent variable measurements, which were collected and calculated using state home school legal analyses from the HSLDA web-site. The first dependent variable is an ordinal measurement of the degree to which states require home schools to notify the state or local district of their intent, where states with no restriction are coded a zero and highest restrictions a two. The second variable is an index created by adding together a state's teacher qualification and curricular requirements; this variable is zero where no requirements exist and four for the most restrictive states. Finally, the third variable is an index created to measure the state's evaluation requirements, where zeros are indications that the state does not have any testing requirements and a six is an indication that the state evaluation requirements are the most restrictive. Each of the dependent variables are ordinal measurements, so, similar to chapters three and four, this chapter will test restrictiveness using ordinal logistic regression.

*Results and Discussion:*

The first table presents two models testing the role of religious adherents in the restrictiveness of state home school notification requirements. In both of these models, the only significant predictor is evangelical adherents, where the p-value for both is less than 0.05. In regards to the first model, evangelical congregations and LDS congregations both seemingly have positive coefficients (however very small). Upon further review, this initial projection is not confirmed with predicted probabilities (calculated using the zelig package in R statistical software). In states with the lowest numbers of evangelical congregations, the most likely outcome (about 50% probability) is the requirement of minimal notification, or the submission of the name and place of the home school. With low levels of evangelical congregations, states are second-most likely to require documentation of teaching qualifications and/or curriculum as a part of notification (about 30-35% probability), and least likely to have no notification requirement. States with average numbers of evangelical congregations are also most likely to adopt minimal notifications, with about a 60% probability of requiring only the name and place of the home

school. These states are second-most likely to have high levels of restrictiveness (approximately 20%), with no notification requirement least likely. While states with the lowest numbers of evangelical congregations resemble those with average numbers of evangelical congregations, where numbers of evangelical congregations are at their highest levels, the pattern is clear. States with the highest numbers of evangelical congregations are most likely to have no notification requirement (55-60%), and second-most likely to have minimal restrictions (about 25%); thus reversing the relationship predicted from low or average numbers of evangelical congregations. With regard to the number of LDS congregations, the relationship is not as distinct. For both low and average levels of LDS congregations states have about a 60% probability of requiring the minimal name and place notification. Where numbers of LDS congregations are their highest, a minimal level of notification requirement is most likely, however this probability is only about 40%. In comparison to evangelical congregations, LDS congregations are not a significant predictor, and calculated probabilities do not indicate as influential of a relationship.

Looking toward the second model in the first table, one can see that evangelical population rates are a significant predictor of notification restrictiveness (with a p-value less than 0.05), and both evangelical and LDS population rates are negative. The relationship of evangelical influence noted from the first model is slightly more defined in this model. States with low evangelical population rates are most likely to require minimal notification (about 50% probable), and second-most likely to require teacher qualification and/or curricular documentation (about a 35-40% probability). In states with average levels of evangelical populations, the most likely state policy is still minimal notification, yet with a probability of about 60%. Similarly, states with average sized evangelical populations are second most likely to require the highest degree of notification, with only a little over 20% probability. Finally, where states have large populations of evangelicals, the state is has a 60% probability of having no notification requirement, and a 30% probability of having a minimal notification requirement. The pattern observed with evangelical congregations becomes more refined using population rates, an early

indication confirming expectations about the explanatory power of population rates. Similarly, the relationship of LDS populations is similar to the pattern observed with LDS congregations; LDS populations have little influence on restrictiveness, yet this influence is slightly more distinct than it was with congregations.

From these two models, some patterns begin to emerge. First, evangelicals are significant with regard to home school policy regulation. This finding is expected given the role of evangelicals in pursuing the legalization of home schools. Next, as expected, the model testing religious populations seems to have a bit more explanatory power than the model testing congregational measurements. In regards to other explanations, no other measures are significant in either of the models in the first table. The coefficient for strength of teachers' unions is positive, which is a slight indication that states with stronger teachers unions will be more likely to have some type of notification requirement. However, for the first model using religious congregations, the coefficient for strength of teachers unions is negative, and would seemingly indicate the opposite relationship. Yet, in both of the models, the standard error for this measurement is large enough that the range of predicted probability indicates very little change in policy restrictiveness. With regard to urbanization, dropout rate, state contribution, and Republican control, both models indicate minor, negative relationships, indicating that states with larger urban populations, with lower school quality, where states pay larger proportions of the public school budget, and where Republicans control the legislature are less likely to have restrictive home school policies. All of these relationships are consistent with expectations, except urbanization (however, as with the strength of teachers' unions, standard errors are too large to indicate significance). This finding for urbanization may indicate that inclusion of suburban communities in metropolitan areas limits its ability to isolate key factors, and thus limits its explanatory power. Finally in the first table, legislative professionalization behaves much like the strength of teachers' unions, where it is positive in the congregation model and negative in the population model. These problems may indicate a multi-collinearity or measurement

issue. However, when ordinal logistic regression models were run using a measurement of annual notification requirements (as opposed to initial notification requirements) the role of religious adherents indicate similar relationships. Evangelicals are statistically significant and negative, and the rest of model findings supported the findings from the first table.

In the second table, neither of the evangelical or LDS measurements is significant, and only the strength of teachers' unions is statistically significant. In these models, states with smaller and average sized evangelical populations congregational numbers are most likely to have moderate restrictiveness, whereas states with larger congregational numbers or population sizes are most likely to have no restriction. However, LDS congregations and populations seemingly predict a positive relationship, in that states are more likely to have teacher qualification and subject requirements. An examination of binary logistic and ordinal logistic regression models testing influence on dichotomous and ordinal measurements of both teacher qualification and curriculum requirements individually indicates that states with more LDS adherents are less likely to impose teacher qualification requirements, and more likely to impose curricular and subject requirements (where the ordinal measures of these policies indicate a statistically significant relationship with LDS adherents). These findings may be an indication that the coding scheme used is deflating the role of both evangelicals and LDS adherents in this analysis (a discussion reserved for later in this chapter). Furthermore, the findings for LDS adherents may also indicate that states with large LDS congregational numbers and population sizes are imposing vague restrictions, which, in practice, are not real regulations.

Looking toward the other explanatory measures, the only measure that is significant in the second table is the strength of teachers' unions, and these coefficients indicate that states with stronger teachers' unions are less likely to have teacher or curricular requirements. Here again, this relationship is seemingly driven by the subject requirements measurement as states with stronger teachers' unions are less likely to have subject requirements (statistically significant), with little role in teacher qualification

requirements. This dynamic could be an indication of the relationship suggested by Cigler, Joslyn, and Loomis (2003), in that teachers' unions are not primarily concerned with enforcing subject requirements as they are evaluation requirements. The relationship could also be due to the decisions made in coding schemes as detailed in chapter two, such that the role of unions in certification requirements is washed out; for example, unions could have pushed for stronger certification, subject and evaluation requirements, only to have states exempt religious home schools. As for other explanations, urbanization, state contribution, and Republican legislative control all indicate weak, negative relationships, such that states with larger urban populations, where states provide larger proportions of the public school budget, and where Republicans are in control are less likely to impose teacher qualification and curricular requirements. Most of these explanations (except urbanization), as well as legislative professionalization, provide minimal supporting evidence for expected relationships. For legislative professionalization, the models indicate a positive relationship with restrictiveness, such that highly professionalized legislatures are more likely to impose teacher qualification and curricular restrictions. Finally, the measurement for state dropout rate is positive, indicating that states with lower school quality (higher dropout rates) will be more likely to restrict teacher qualification and subject requirements; such that these states may want to ensure educational quality for those that choose to opt out of failing public schools.

In contrast to the models in the first table, the models in the second table are not plagued by any of the problems with sign changes. However, as noted, the influence of teachers' unions is in the opposite direction than expected, an occurrence which may be due to the decision to include teacher qualification and subject requirements in an index together. It could also be related to the policy restrictions which teachers' unions focus upon in their pursuits, and their achievement (or lack of achievement) in these policy pursuits. Finally, it could be an indication of the tendency of states to exempt religious schools from these requirements even when they are theoretically in place. In addition to this, the decisions made when coding state options may have deflated the measure of state stipulations of teacher qualification, in

an effort to consistently measure options and testing. Outside of these issues, the expectation regarding the explanatory power of population rates over congregational numbers is slightly confirmed in these analyses, as the pseudo r-squared value in the population model is just above the value in the congregation model.

In the third table, this dynamic in the explanatory power of the population model is repeated. Beyond the population model having a larger pseudo r-squared, both evangelical and LDS population rates are significant (with p-values less than 0.05 and 0.10, respectively), whereas neither are significant in the congregational model. Looking first at the congregation model, the relationship is not very distinct. With all three levels of evangelical congregations, the predicted probability of having no testing requirement is around 55%, and the second most likely is the fourth level of restrictiveness (or restrictiveness which is slightly above the middle). For LDS congregations, all states are most likely to have no testing requirement, ranging from about 40% with smaller numbers of congregations to about 85% for larger numbers of congregations. Looking toward the model using religious population rates, the analysis suggests that evangelical and LDS population rates are both significant, and coefficients indicate strong negative relationships. With low levels of evangelical populations, states have a 50% likelihood of having no testing requirement, and about a 20% likelihood of having the second highest level of restrictiveness. For states with average levels of evangelical populations, the probability of no testing requirement increases to 70% and the probability of the second highest level of restrictiveness drops to about 10%. States with the largest evangelical populations have an 85-90% probability of having no testing requirement. The predicted probabilities of the influence of LDS population size demonstrate a similar pattern. In states where LDS populations are small, the probability of no testing requirement is about 35%, and the probability of the either of the highest two restrictiveness categories is about 35-40%. Where LDS populations are at an average, the probability of no testing requirement is about 70%, with about a 10% probability of the second highest test restrictiveness. States with larger sized LDS

populations have a 90-95% likelihood of having no testing requirement. In general, the models of religious population rates demonstrate similar patterns as the congregational models, in that as population size increases, probability of no requirement also increases. Also, similar to the previous tables, these two models suggest a bit more explanatory power for the population models.

The models presented in the third table seem to have some of the same issues as the models presented in the first table, in that some of the variable coefficients change signs from model to model. Regarding the state dropout rate, as a state's dropout rate increases, the first model suggests a decrease in testing restrictiveness whereas the second model suggests an increase in testing restrictiveness. In regards to the expectations of this relationship, it would seem that states with low quality schools would want to encourage students to seek alternatives, and thus have less restriction. However, if public schools are of low quality states may want to ensure that these quality alternatives really are producing quality outputs, and thus have higher restrictions. Essentially, the large standard errors and inconsistent coefficients may be an indication that multiple processes are at work, or may be an indication of measurement or model problems. This change in sign is also evident with legislative professionalization, where the first model suggests the relationship is positive and the second model suggests it is negative. Based on the expectation, the relationships should indicate that states with highly professionalized legislatures are more likely to regulate policy. However, the relationship in the population model suggests otherwise. Again, here there may be measurement or model problems driving this divergence. The large standard errors and variant coefficients for legislative professionalization may also indicate that this measurement is not appropriate for predicting home school policy restrictiveness. This may be a policy area where a state agency, such as the state board of education, is a more important factor. Outside of these issues, the strength of teachers' unions indicates a negative relationship, where states with strong teachers' unions are less likely to require testing. While this finding is consistent with the first two tables, it is not consistent with expectations. It may be a similar circumstance to the other findings, in which teachers'

unions pursue policies which impose regulations on home schooling, but these policies are effectively overturned when state legislatures exempt religious home schools from regulations. Finally, states with larger urban populations are less likely to regulate home school testing, again a finding which is consistent with those above, and which may indicate an issue with the inclusion of suburban communities in measures of urbanization. Finally, states which provide larger proportions of the public school budget and where Republicans control the legislature are only slightly more likely to have testing requirements. Neither of these relationships is consistent with expectations. Yet, this may indicate that these states are more likely to impose a vague testing requirement, or may require testing, but not submission. Regardless, the coefficients are so weak and standard errors so large, that the findings are not very useful to explaining these relationships.

In each of the models presented here, some interesting patterns begin to emerge. First, evangelicals are important predictors for both notification and evaluation requirements, which supports the expectations that states with larger sized evangelical congregations and populations are less likely to impose notification or evaluation requirements on home schools. These states are least likely to ask home schools to submit even their name or location, and, as the state does not even know if a child is being home schooled, it cannot impose an evaluation requirement on that school. While LDS adherents are not significant with respect to notification requirements, their populations are significant predictors of evaluation requirements. This relationship is particularly demonstrated with regard requiring standardized testing and the degree to which a state requires the submission of evaluations (where states with more LDS adherents are less likely to impose either of these policies). For the second model, neither evangelicals nor LDS adherents are significant predictors of state policy. However, one must examine this finding with an eye to the way in which teacher qualification requirements were coded. As noted in the second chapter, in order to remain consistent across states (from state to state as well as coding a single option within states), states which have conditional stipulations for teacher qualifications and

evaluation requirements (where less of one stipulates more of the other) were treated as having no teacher qualification requirement, and the associated evaluation requirements were coded. (It is however, also notable that in some of these states evaluation requirements were vague, had multiple options, and/or had no submission requirement, such that these conditional stipulations had the same effect as states that exempt religious groups from requirements).

Beyond this coding scheme, collapsing both teacher qualifications and subject requirements together washed out the effect of evangelicals and LDS adherents on subject and curricular requirements. Although both are significant, evangelicals demonstrate the predicted relationship, whereas LDS members demonstrate the opposite. It may be the case here that the ordinal measure for subject requirements inclusion of vague stipulations is influencing the direction of this relationship. States may have vague requirements, which show up here as restrictive, but they are meaningless with regard to de facto restrictiveness. If this is the case, then evangelicals have seemingly focused their efforts on other home school policies. This finding is supported by analysis of the HSLDA categorization of state home school policy restrictiveness. Analyzing these classifications, the larger findings in this analysis are confirmed, evangelicals are significant predictors of home school policies and LDS adherents are not. Furthermore, states with higher congregational numbers and larger populations of evangelicals have more lenient laws and states with smaller numbers of congregations and population sizes of evangelicals have more restrictive home school policies.

As noted throughout this analysis, there are various indications that these models could be suffering from multi-collinearity problems, such as the change in the sign of coefficients from congregational to population models and the large standard errors. However, when testing models using different combinations of independent variables, testing various individual ordinal level measurements, directional relationships generally remained the same. As noted in the second chapter, urbanization and legislative professionalization are highly positively correlated; suggesting that one of these measures

should perhaps be omitted. For the analyses in this chapter, legislatures may not be as important in regulation as state boards of education, and including them may not only be causing interactions with urbanization, but could be omitting a key part of home school regulatory dynamics. Legislative professionalization is also positively correlated with evangelical adherents, such that attempts to regulate home schools encounter stiff resistance from religious conservatives, a relationship which may be lost in this analysis, particularly in states where the board of education has more of a role. Ultimately, legislative professionalization may not be a necessary or sufficient factor in evaluating home school regulations, and its relationship with other predictors could be causing some problems. Beyond this, as white evangelicals in sub-urban areas compose a part of the coalition pursuing lenient home schooling laws, and these areas are defined as part of an urban metropolitan area, the coefficient may be reflecting the more intricate details of the urban-suburban divide than noted in school choice policies (since school choice policies are favored by both urban reformers and religious conservatives in suburban areas). While the coefficient for urbanization is in the opposite direction than expected here, it remains consistent, and is also consistent with other models (such as the model using the HSLDA categorization).

Finally, the strength of teachers' unions indicates a relationship in the opposite direction than expected. One reason may be that the strength of teachers' unions is positively correlated with evangelical adherents, which indicates that these two forces are competing within state political institutions on a regular basis. If teachers' unions become overly focused on school voucher reforms, then evangelicals are able to dominate more of the home school regulatory process. Also, as suggested above, this may also support the idea that teachers' unions are pursuing home school regulations, only to have evangelicals step in and get religious persons exempted from these regulations. It may be the case that there are dynamics between opposing forces within various state institutions that this analysis cannot begin to examine. More research is needed to investigate these possible relationship dynamics.

Looking to dropout rates, the results of this chapter indicate that states with higher dropout rates (or lower school quality) are less likely to regulate home schools. This relationship is suggestive of the expectation that states with education quality issues want to encourage other schooling alternatives, or, it could be the case that they want to encourage other alternatives to keep their future dropout rates down (as these students would no longer be included in calculations). However, if this has been the case for awhile, then dropout rate may have ceased to be a useful measure of school quality, as states have already been padding their numbers. Finally, consistent with other models, the negative relationships found with regard to Republican control and state contribution are negative for the first two models, supporting expectations. Yet, the findings are opposite for evaluation requirements, where these factors are expected to increase regulations (although not significant). For this opposite relationship, it may be a similar situation to that suggested with LDS adherents, such that states where Republicans control the legislature and those that pay larger proportions of the school budget have stipulations in name only (vague stipulations that seem to be restrictive), but these stipulations do not matter in practice.

These findings are part of the bigger picture of state education regulations, quantitative analysis can only explain so much. Even with adopted policies where the legislature seemingly plays more of a factor, such as school vouchers, these analyses are not able to explain how religious groups are influencing policy, qualitative approaches are needed to explain these dynamics. When looking at regulation of education policies, research should account for the role of state education agencies. Doing so, however, requires more qualitative approaches, as states differ in regards to their institutional composition and the time in which this is measured, making quantitative coding and analysis difficult. For example, in Kansas, science curricular standards change back and forth, based on which candidates won the most recent election; but, other states may have more members in staggered elections, or may have an appointed board, or some combination thereof. The complexity of state boards of education and

departments of education requires more in-depth analysis of cases so that both religious activism as well as institutional dynamics can be examined.

Essentially, the analysis here is just a preliminary investigation which indicates that there is a significant relationship on which scholars should focus more attention. In recent years, home schooling has received more favorable media attention, and the network of home schooling organizations has “been greatly enlarged” (Knowles, Marlow, and Muchmore 1992, 218, 221). The increase of these home schooling networks is driven by a “conservative, ideological, and Christian” membership base, encouraged to get involved in politics and partisan allegiance (Knowles, Marlow, and Muchmore 1992, 225-226). Examples of this movement are evidenced by the establishment of Christian colleges and universities aimed at the promotion of home schooling (some which are established by the leaders of home schooling organizations and their friends and family). Government approval of home schools could be just the beginning; perhaps this leverage in education policy could have far-reaching implications for decisions in other education policies and the future of public education. Overall this volume analyzes three policies expected to be important to evangelicals and other religious adherents, and finds that religious adherents are in fact important with regard to state education policy restrictiveness. The chapter to follow will bring together findings from this chapters, as well as chapters three and four, discuss broader implications of these policies, note possible analysis issues, and identify future areas of research using different policies and different methods.

**Table 11: Ordinal Logistic Regression of Restrictiveness of State Home School Notification**

<i>Independent Variables</i>	<i>Model 1</i>	<i>Model 2</i>
Evangelical Congregations	0.000** (0.000)	
Evangelical Population		-0.007** (0.003)
LDS Congregations	0.000 (0.001)	
LDS Population		-0.002 (0.003)
Teacher's Influence	-0.026 (0.230)	0.093 (0.241)
Urbanization	-0.008 (0.019)	-0.014 (0.026)
Dropout Rate	-0.177 (0.203)	-0.159 (0.204)
Legislative Professionalization	1.628 (2.700)	-1.424 (2.724)
State Contribution	-0.037 (0.026)	-0.029 (0.026)
Republican Legislative Control	-0.025 (0.021)	-0.030 (0.022)
n	49	49
Pseudo R-Squared (Cox and Snell)	.166	.153

Note(s): The dependent variable is lowest in states with no notification requirements, and has a range of zero to two.

Standard errors are in parentheses, and significant factors identified:

\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

**Table 12: Ordinal Logistic Regression of Restrictiveness of State Home School Teacher Qualification and Subject Requirements**

<i>Independent Variables</i>	<i>Model 3</i>	<i>Model 4</i>
Evangelical Congregations	-0.0001 (0.000)	
Evangelical Population		-0.004 (0.003)
LDS Congregations	0.000 (0.001)	
LDS Population		0.002 (0.003)
Teacher's Influence	-0.688** (0.239)	-0.622** (0.244)
Urbanization	-0.002 (0.018)	-0.004 (0.019)
Dropout Rate	0.004 (0.192)	0.021 (0.101)
Legislative Professionalization	3.330 (2.610)	2.578 (2.588)
State Contribution	-0.023 (0.024)	-0.021 (0.024)
Republican Legislative Control	-0.18 (0.020)	-0.021 (0.021)
n	49	49
Pseudo r-square (Cox and Snell)	.278	.299

Note(s): The restrictiveness index is lowest in states with no teacher qualification or subject requirements, and has a range of zero to four.

Standard errors are in parentheses, and significant factors identified:

\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

**Table 3: Ordinal Logistic Regression of Restrictiveness of State Home School Evaluation Requirements**

<i>Independent Variables</i>	<i>Model 5</i>	<i>Model 6</i>
Evangelical Congregations	0.000 (0.000)	
Evangelical Population		-0.006** (0.003)
LDS Congregations	-0.003 (0.002)	
LDS Population		-0.045* (0.025)
Teacher's Influence	-0.241 (0.245)	-0.028 (0.250)
Urbanization	-0.011 (0.019)	-0.015 (0.021)
Dropout Rate	-0.102 (0.217)	0.061 (0.230)
Legislative Professionalization	1.763 (2.723)	-1.328 (2.686)
State Contribution	0.004 (0.025)	0.010 (0.036)
Republican Legislative Control	0.003 (0.021)	0.009 (0.022)
n	49	49
Pseudo r-square (Cox and Snell)	.130	.233

Note(s): The restrictiveness index is lowest for states with no evaluation requirements, with a range of zero to six.

Standard errors are in parentheses, and significant factors identified:

\*p < 0.1; \*\*p < 0.05; \*\*\*p < 0.01; \*\*\*\*p < 0.001

**Table 4: Threshold values for Table 1**

<i>Thresholds</i>	<i>Congregation Coefficients</i>	<i>Population Coefficients</i>
0	-6.432* (2.829)	-7.380** (2.979)
1	-3.598 (2.699)	-4.502 (2.839)

**Table 5: Threshold Values for Table 2**

<i>Thresholds</i>	<i>Congregation Coefficients</i>	<i>Population Coefficients</i>
0	-4.405* (2.611)	-4.906* (2.707)
1	-3.258 (2.582)	-3.724 (2.672)
2	-0.778 (2.548)	-1.229 (2.608)
3	0.141 (2.548)	-0.314 (2.628)

**Table 6: Threshold values for Table 3**

<i>Thresholds</i>	<i>Congregation Coefficients</i>	<i>Population Coefficients</i>
0	-1.334 (2.607)	-1.616 (2.719)
2	-1.245 (2.606)	-1.515 (2.718)
3	-0.868 (2.603)	-1.103 (3.713)
4	-0.660 (2.602)	-0.874 (3.711)
5	0.916 (2.616)	0.812 (2.714)

## Conclusion

Public schools are under fire. They have been criticized as failing to educate our nation's children, huge black holes of fiscal waste, unsafe environments, and, worst of all, immoral. In the last few decades, many school reforms have been touted as being the solution to these problems. The fracas over school reforms has many advocates and opponents, some combinations of which could be labeled "strange bedfellows." The conglomeration of interests pursuing school choice reforms is a primary example, as these policies appeal to persons on both the right and left. However, in other education policy areas, such as home schooling, lines between various interests are clearer such that oppositional forces are closer to the divisions one can see in other issue and political areas. The research presented here examined the role of one set of interests involved in the pursuit of educational reforms, religious conservatives. The first chapter outlined the history of religious involvement in educational policymaking, and why we might expect religious conservatives (evangelicals, some Catholics, and LDS adherents) to be important factors for state adoption and regulation of these reforms. Following the operationalization and description of data and measurements in chapter two, the third chapter focused on once such reform, the adoption of private school choice policies. This was followed by an analysis of an alternative to private school choice, the adoption and regulation of charter schools. Finally the fifth chapter examined the role of religious conservatives in the pursuit of favorable state policies allowing parents to opt out of institutionalized schooling altogether, or states' regulation of home schools. This chapter will bring together all the expectations and findings from the first five chapters, and will provide an overall picture of where different religious groups have been shown to be important, thoughts on the implications of this study for future education policy assessments, and ways in which research in this area can create a better understanding of the role of religious conservatives in more contemporary education reforms and policies.

### **Culture Wars:**

This research is framed by the conception of “culture war” (Hunter 1991), in which persons and groups divide along orthodox and progressive lines and moral issues, such as abortion, evolution, and gay marriage. With issues such as evolution, religious conservatives, have salient views on one side whereas more liberal groups have salient views on the other side. Essentially, highly divisive issue conflicts can be described as a battle between the religious conservatives within society (attempting to main status quo traditionalist policies), and more mainstream, progressive issue publics (including mainline religious denominations). In addition to differences between denominations, culture war theory predicts that there should be dividing lines within religious denominations, particularly over moral and social issues (Hunter 1991). This research project fits within the context of culture wars theory, in that it examines the influence of religious conservatives in the state adoption and regulation of education policies.

*Religion and Education:*

As discussed in the first chapter, evangelicals and other religious groups have had a history of opposition to the curriculum and programming in the public school system. This activism is historically associated with members of the Christian Right, in that keeping evolution out of public school teachings has been a primary issue on their platform since the early twentieth century (Wilcox and Larson 2006). Once religion began to be removed from the public schools, from bible reading to prayer, evangelicals had even more motivation to seek out public schooling alternatives. In addition to these problems, public schools were also teaching a curriculum based in tolerance and diversity, telling children that relationships outside of traditional marriage (such as pre-marital intercourse and homosexual relationships) were acceptable. Evangelicals oppose this as an introduction of immorality in the public school system. In addition, they tend to be economically conservative, favoring free market solutions to public school quality and fiscal waste (Hoover, Martinez, Reimer and Wald 2002; Barker and Carman 2000). Beyond evangelicals, LDS adherents have similar moral objections to public school curricula, and have mobilized in opposition to progressive family and rights policies (Wald and Calhoun-Brown 2006).

They are just as socially conservative as evangelicals also favoring economically conservative policies (Pond 2009; Pottinger 2009). Even those LDS adherents with favorable opinions on social justice issues find these school choice reforms appealing. Finally, Catholics are composed of individuals from both ends of this spectrum, and are more likely to split over social justice, morality, and economic policy (Wilcox and Larson 2006). However, as noted with LDS adherents, conservative Catholics and more progressive Catholics can both support school choice policies, because they can be framed not only as morally and economically conservative alternatives but also socially just policies targeted toward youth in crumbling urban schools.

Ultimately, this research tests the influence of these religious groups on state adoption and regulation of school choice and home school policies. With regard to school choice, religiously conservative persons (evangelicals, LDS adherents, and Catholics) are expected to favor the adoption of school choice alternatives on moral and conservative grounds. Additionally, more progressive members within these groups are also expected to favor school choice policies, as they are framed as socially just alternatives to low-quality urban schools. For home school policies, evangelical and LDS adherents are expected to favor these policies, based on their tradition and history in home school practices and pursuits; Catholics do not have a tradition of home schooling, and have not pursued home schools as alternatives to public schools, therefore they are not included in chapter five. So, while the measurements used in this analysis can discriminate the main religious group of interest, evangelical Protestants, from other, mainline Protestant denominations, LDS adherents and Catholics cannot be split into their orthodox and progressive sides in the same way. The measurements used allow for the separation of these religious groups from one another, yet cannot divide the more conservative and liberal members within them. Given that school choice policies are not expected to cause intra-denominational divides with regard to these religious groups, this measurement issue is less of a problem. With regard to home school choice policies, however, the inability to separate LDS adherents would seem to be more of an issue.

**Findings:**

In chapter three, this research found that states with higher numbers of Catholic and LDS congregations are more likely to adopt private school choice policies. Specifically, states with average or high numbers of Catholic congregations are most likely to have adopted two of the three private school choice policies (school vouchers, tuition tax credits, and scholarship tax credit programs), and states with smaller numbers of Catholics are most likely not to have adopted these policies. With LDS congregations, the difference is not as distinct. States with higher numbers of LDS congregations are most likely to have adopted two private school choice policies, but are not as likely to have adopted these policies as are states with higher numbers of Catholic congregations. States with smaller and average numbers of LDS congregations are most likely to have no private school choice policy, with relatively the same likelihood as states with smaller numbers of Catholic congregations. In testing individual dichotomous measures for each of the private school choice policies, LDS congregations are demonstrated to be more important with regard to vouchers, whereas Catholic congregations are more important with regard to tuition tax credits. This interesting finding about the pursuits of specific private school choice policies suggests that more work is needed to differentiate the role of each group in private school choice adoption. Furthermore, as scholarship tax credit programs are just beginning to have the legal acceptance that vouchers and tax credits have experienced (tax credits for a longer period than vouchers), perhaps the role of religious groups will not be measurable for a few years. These relationships are also primed for qualitative study, such that researchers should investigate the ongoing private choice adoption battles within states and their policy-making institutions.

In the fourth chapter, evangelical and LDS adherents were found to be significant predictors of charter school policy restrictiveness, with both congregation and population measurements of religious group prevalence being significant. The findings for evangelicals indicate that states with smaller populations and fewer congregations are most likely to have charter policies which are at a middle level

of restrictiveness or the highest level of restrictiveness. States with average numbers of evangelical congregations and average population sizes are most likely to have policies that are a middle level of restrictiveness, and those with higher numbers of congregations and population sizes are most likely to have the least restrictive policies. The role of evangelicals is most distinct for models with population measurements; a similar result is found with regard to LDS adherents. With LDS adherents, states with small and average numbers of congregations and small and average sized populations are most likely to have middle level restrictiveness or slightly less restrictive policies. States with higher numbers of congregations and larger sized populations are most likely to have the least restrictive charter school policies. Finally, evangelical populations are more significant in the model including appeals processes, whereas LDS populations are more significant for the model excluding appeals processes. This may be an early indication that evangelicals are more likely to get involved in appeals processes, a finding that will be discussed further below.

Finally, in the fifth chapter, the prevalence of evangelicals in the state is found to be important with regard to home school notification requirements; both evangelicals and LDS adherents are found to be important with regard to evaluation requirements. For initial notification requirements, states with smaller numbers of congregations and population sizes are most likely to have minimal notification requirements, only requiring parents to submit the student's name and school location, followed by the more restrictive requirement of submitting a curriculum. In states with average numbers of congregations and population sizes the most likely policy is still minimal notification, yet the probability of no requirements and restrictive requirements is about equal. States with larger numbers of evangelical congregations and larger sized evangelical populations are most likely to have no notification requirement whatsoever. With regard to evaluation requirements, only population rates are important predictors of policy restrictiveness, and the model of population rates indicates more influence on policy change. While all states are most likely to have no evaluation requirements, the probability increases from slightly

above 50 percent to over 90 percent between states with small evangelical populations and those with large evangelical populations. For LDS populations, the pattern is more distinct, in that states with smaller LDS populations are most likely to have at least one evaluation requirement (no matter how vague), followed by no requirement, and states with average and larger sized populations are most likely to have no evaluation requirement whatsoever. Neither evangelicals nor LDS adherents are significant for teacher qualification and curricular requirements, regardless of the measurement used. However, evangelicals and LDS adherents are significant for curricular requirements, when analyzing these components separately. This dynamic could be due to myriad factors, one of which is the coding scheme discussed in chapter two, a more detailed discussion of this finding appears below.

*Common Themes:*

Overall, religious interests are found to be important in understanding variation in state policy with respect to public school alternatives. The importance of specific denominations varies depending on the policy at issue and from congregational to population measurements. Evangelical prevalence is not significant for explaining private school choice policies, but is significant in accounting for charter school and home school restrictiveness. This lack of significance for private school choice policy may be an indication that evangelicals shifted focus toward other policies, such as charter schools and home schools, where they had more of an opening to pursue favorable policies. As some states' home school policy allows for categorization as a private school, this may create an incentive for private school choice funding via school vouchers and scholarship tax credits now that religious schools are able to take advantage of favorable funding schemes (thanks to the Supreme Court and state interpretations of Supreme Court decisions). The influence of evangelical prevalence on private school choice policies is not evident here, but may be in years to come, as these policies are just beginning to become more viable options.

LDS adherents are significant across all policies, but are least significant for private school choice policies, and are not significant with regard to home school notification or the index of teacher qualification and curricular requirements. The large number of LDS adherents in one state (Utah) could be influencing findings, because Utah allows universal vouchers, charter schooling, and unregulated home schooling. However, LDS adherents are not demonstrated to be significant with all policies, indicating that they are more important to some than others, and that these relationships are genuine. Furthermore, they are not the most important factor in private school choice, charter school, or home school policy, an indication that LDS adherents are important, but just not the most important religious group in the understanding of educational policy regulation. Finally, models tested without LDS adherents do not lose explanatory power. It is therefore confirmed that the prevalence of LDS adherents in a state is a significant predictor of state education policy.

Catholics prevalence is significant with respect to private school choice policies, and not for charter school policies. Catholic prevalence was not tested for home school policies, because Catholics have no history or tradition in home school education. Testing home school regulation models with Catholic adherents did not change findings, an indication that they in fact do not influence home school policy. Findings with regard to school choice may suggest that they have spent more time pursuing school vouchers, tuition tax credits, and scholarship tax credit programs instead of charter schools. Yet, it may also be an indication that the more recent trend of Catholic school conversion to charter school will not be evidenced for a few years to come, as this economically viable option becomes more attractive to schools that are financially struggling. The relationships found here are similar to those expected, in that different religious groups are important for different policies, and that these religious groups are influential to different degrees. However, against expectation, evangelicals were not significant across all of the policies.

A few other interesting findings appeared within the policy chapters, the varied influence of religious adherents on school choice policies, dynamics between charter school restrictiveness indices, and dynamics between home school restrictions. Private school choice policies may be what religious conservatives most preferred, but these policies faced huge hurdles from teachers' union opposition and Supreme Court decisions prior to the last few decades. This prompted a shift in pursuits to charter schools. The influence of evangelical and LDS religious groups on state charter school policy is consistent with this possibility. Charter schools are also allowed in more than twice as many states as private school choice policies. This descriptive finding is a minor indication that advocates have had more luck in the passage of charter school policy than they have with private school choice policy.

Next, this research found that evangelical populations are more significant for predicting charter restrictiveness where appellate processes are included and LDS populations are more significant for charter restrictiveness without appellate processes included. This finding suggests that evangelical presence is more important than LDS presence with regard to allowing appeals for charter applications and of charter terminations. It may be that states with a larger LDS presence have more lenient approval processes, and religious schools in these states have less difficulty getting a license to operate than religious schools in states with a large evangelical presence. Yet, in states with a large evangelical presence where it is more difficult to get approval from state agencies, the legislature has allowed for an appellate process to give schools more of an opportunity. Similarly, states with larger proportions of LDS adherents may be less likely to terminate charter school contracts, and therefore do not need to allow for appeals of termination. But, for states with larger proportions of evangelicals, the annual review process may be a larger hurdle, with termination of charter school licenses to operate being more likely, such that legislatures need to allow for appeals of charter school termination to ensure that constituents receive as many opportunities as possible. More research is needed in this regard, and should address the role of time in the regulation of charter school restrictiveness. In this regard, if appellate processes were not part

of the original state policy, and have been added over time, one might be able to mete out the role that evangelicals have played in pursuing these appellate processes. Scholars would better understand the policy learning process, or the way in which persons, schools, and state institutions learn the outcomes of initial charter school policies and pursue incremental changes to those policies. Individual qualitative analyses of state charter adoption and regulation can mete out the dynamics of restrictiveness over time, and can analyze the role of religious groups in changing these restrictions as outcomes of previous policy are understood. Beyond qualitative approaches, time-series analyses on charter school restrictiveness may also be able to examine the relationships of religious conservatives and charter policy outputs, yet, there may be difficulty due to measurement options.

Finally, the influence of religious conservatives differs from notification requirements to teacher and curriculum requirements to evaluation requirements. This research finds that only evangelicals are important in the prediction of notification requirements, whereas both evangelicals and LDS membership are important for evaluation. With respect to LDS membership, the contrasting results may be driven by the choices made in the coding scheme described in chapter two. More specifically, some states make teacher qualification and evaluation requirements conditional upon each other, where stricter requirements in one area indicate lesser restrictions in the other. For example, some states may require that parents with no college degree annually evaluate student performance and submit that evaluation, but if the parent has a college degree no evaluation is required. In this analysis, states were coded in order to remain consistent throughout coding, such that states with conditional stipulations are coded as having a lower teacher requirement and more restrictive evaluation policies. For the above example, the state would be coded as having no teacher qualification requirement, but would be coded as requiring annual evaluation and evaluation submission. With this coding decision, evaluation requirements may have been over-represented (where states where evaluation requirements do not exist in practice were coded as having a requirement). This over-representation of the strictness of evaluation would influence statistical

findings, because it would not be an accurate depiction of state requirements. A possibility exists that LDS populations are shown to be important when, in reality, they are not. This coding scheme may have contributed to a finding of significance, when there is not in fact a statistical relationship between LDS adherents and evaluation requirements. Analysis on the HSLDA categorization of restrictiveness supports findings about evangelical adherents, yet does not support these findings about LDS adherents, partially confirming the possibility that the dynamics between teacher qualification requirements and evaluation requirements are not fully represented by this analysis. However, it is worth noting that some of the states where these conditions exist (i.e. parents with very limited educational qualifications are required to evaluate children) also effectively waive evaluation requirements for religious home schooling. This indicates that the findings on the significance of LDS populations are accurately representing the statistical relationship.

Neither evangelicals nor LDS adherents are significant for the index of teacher qualification and curricular requirements. However, analysis of each of these requirements separately demonstrates that evangelicals have a significant, negative relationship with regard to state requirements to instruct children in particular subject areas. Furthermore, LDS members have significant and positive relationship with state subject requirements. One must read the findings with caution, however, in that the positive finding for LDS adherents may just indicate that these states are most likely to have vague subject requirements which, in practice, are not requirements at all. For example, a state may require the home school to teach “a basic academic educational program,” or dictate a curriculum that “may include” various subjects as opposed to requiring these subjects. These requirements are coded as being vague, but still existing. However, if these are not de facto requirements, then states using vague requirements would be misrepresented in this analysis. Furthermore, if states with a greater presence of LDS adherents use vague requirements to claim that they are regulating subject matter, then LDS adherents would be

identified as positively influencing subject requirements, when in fact there are no real requirements in place.

The lack of finding for teacher qualifications may also be due to the coding scheme, an opposite problem than the one described for evaluation requirements. Where states have teacher qualification and evaluation requirements which are conditional upon the other (i.e. if a parent has no college degree they must test students, and if they have a college degree they do not have to test students) the state was coded as having no teacher qualification requirement (and the associated evaluation requirement was coded). This coding decision may not accurately reflect teacher qualification requirements in these states, and may reduce the degree to which this analysis can analyze these requirements. If this is the case, then important or significant factors may be washed out, in that they do not show up as important when they are in reality. Therefore, the influence of religious presence on these restrictions is not showing up as a result of consistently coding teacher qualifications as minimal in states with conditional policies.

However, as noted above, states with these conditional requirements are also ones where multiple choices exist for evaluation or where religious schools are exempted from evaluation requirements. This would mean that home schools in these states do not have any teacher qualification requirement or evaluation requirement, and that the findings here are an accurate depiction of state policy restrictiveness. More research is needed to completely understand this dynamic and the de facto home school requirements at the state level. Even with the problems stemming from the coding of teacher qualification and evaluation requirements, the notification requirements indicate the importance of evangelical presence. This finding is supported by the fact that coding decisions did not alter measures of notification. In addition these findings are similar to models using the HSLDA categorization of home school restrictiveness, suggesting that this measurement falls in line with the perceptions of the group whose primary objective requires knowledge of de jure and de facto state home school laws. More research is needed to examine the

dynamics between conditional teacher qualification and evaluation requirements. A more qualitative approach may be able to provide understanding of these dynamics.

*Religious Measurements:*

With regard to measuring the prevalence of religious groups, a congregation-based measure was expected to have more explanatory power than a population-based measure with regard to private school choice policies, the reverse was expected for home school policies. Many parochial schools are affiliated with specific church congregations, and both congregational members sending children to schools as well as the larger congregation looking for long-term viability of the school have a vested interest in finding alternative sources of funding provided by school vouchers and scholarship tax credit programs. To add to that, evangelical mobilization around public school curriculum was achieved through congregational mobilization. With home schools, by contrast, much of the mobilization has been at the grassroots level and is associated with parental mobilization. For home schools, religious parents have a stake in favorable policy, yet congregations do not. Charter schools are somewhere in the middle. Since congregations are just beginning the process of conversion from religious schools to charter schools, a congregation-based measure of religious group presence may not have as much explanatory power now as it will in a few years. Yet, the arguments for private school choice are also arguments as to why congregational-based measurements should be important for the explanation of charter school restrictiveness. It was therefore expected that both congregation-based and population-based measurements would offer some degree of support.

The expectations for these two conceptualizations (and corresponding measurements) were confirmed in this analysis, with congregation-based measurements being important in the explanation of private school choice, both congregation-based and population-based measurements offering explanation of charter school restrictiveness, and population-based measurements offering explanation for two of the three home school restrictiveness measurements. Although LDS congregations were significant for

private school choice policies and LDS populations were not, the predicted probabilities of state policy from each of these measurements were relatively similar. These findings indicated that only states with greater numbers of LDS adherents are likely to have a private school choice policy, as opposed to states with a smaller or average level of LDS presence. States with a greater LDS presence are most likely to have two private school choice policies, and second-most likely to have at least one private school choice policy.

For Catholics, the relationships between congregation-based and population-based measurements are more distinct. States with an average number of Catholic congregations are most likely to have at least one private choice policy, and states with an average sized Catholic population are most likely to have no private school choice policy. Furthermore, the difference in predicted probabilities of allowance of private school choice based on congregational and population measurements indicate a greater degree of policy change from a smaller to a larger Catholic presence. States with fewer Catholic congregations are most likely to have no private school choice policy. States with a larger numbers of Catholic congregations are most likely to have two private school choice policies. With population-based measurements, the probability of having no private school choice policy decreases as the size of the Catholic population increases. However, regardless of the size of the Catholic population, no state is most likely to have two private school choice policies. For the prediction of state private school choice policies, congregational measurements allow for more explanatory power than do population measurements. Congregational measurements are statistically significant and indicate a greater degree of policy influence and predicted change.

For state charter school policies, only evangelical presence and LDS presence are significant predictors of policy restrictiveness, whereas the presence of Catholics is not a significant predictor. With respect to evangelical and LDS presence, both congregation-based and population-based measurements are significant. In contrast to the private school choice findings of greater explanatory power for

congregational measurements, for charter school policies, population rates are more significant and indicate a greater degree of influence than do congregational measurements. As noted previously, evangelical population rates are more significant than LDS population rates for restrictiveness measured with appellate processes, and LDS population rates are more significant than evangelical population rates where appellate policies are left out. For evangelical population rates, the degree of influence on policy restrictiveness (or predicted probability of policy restrictiveness) in states with a smaller evangelical presence and those with a larger evangelical presence is similar for both indices (i.e. with appellate processes and without appellate processes). For LDS population rates, a change in LDS presence has a greater degree of influence on the predicted probability of restrictiveness for the index which does not include the appellate processes than it does on the index including appellate processes.

In comparing the differences between congregation-based and population-based measurements for evangelicals, there is a greater degree of difference in predicted probabilities of restrictiveness for the index where appellate processes are not included than there is in the index including appellate processes. The predicted probability of restrictiveness is similar for congregation-based and population-based models for the index including appellate processes, but the index without appellate processes indicates a greater degree of change in the predicted probability of policy restrictiveness for model using evangelical population rates than the one using the number of evangelical congregations. This dynamic is even more evident for LDS congregation-based and population-based measurements. Both of the models using LDS population rates demonstrate greater changes in the predicted probability of charter school policy restrictiveness than do the models using the number of LDS congregations. In comparing charter school policy to private school choice policy, the presence of evangelicals and LDS adherents is more significant for charter school restrictiveness than Catholic and LDS congregations are for private school choice. Furthermore, both population-based and congregation-based measurements are significant for charter

school restrictiveness, whereas only congregation-based measurements are significant for private school choice policy.

In regard to home school policy restrictiveness, both evangelical congregations and populations are significant predictors of notification requirements, whereas only evangelical and LDS populations are significant predictors of evaluation requirements. Similar to findings from charter school restrictiveness, evangelical congregation-based and population-based measurements indicate a similar degree of influence on state home school notification requirements, in that the change in the predicted probability of notification requirement is about the same for changes in population rates as it is for changes in congregational numbers. This pattern also holds for the models testing teacher qualification and curricular requirements; the population-based and the congregation-based evangelical models indicate a similar predicted influence on restrictiveness. The same holds true of congregation-based and population-based measures of LDS adherents for all three dependent variables: notification requirements, teacher qualification and subject requirements, and evaluation requirements. However, for evaluation requirements, evangelical populations are able to predict greater degrees of policy change than are evangelical congregational measurements. This finding may indicate that presence of evangelicals is the most important religious predictor of home school policy regulation. Evangelical presence is the only significant religious predictor of notification requirements and their presence is more important for the prediction of evaluation requirements. This possibility is validated by the comparison of HSLDA restrictiveness categorization, as evangelical presence is an important predictor of the restrictiveness of state law as determined by a leading home school organization.

Overall, congregation-based measures of Catholic and LDS presence were more significant with regard to private school choice policy, both congregation-based and population-based measurements of evangelical and LDS presence are significant predictors of charter school policy, and population-based measurements of evangelical and LDS presence are better indicators of home school choice policy

restrictiveness. These findings have a few possible explanations. For one, congregation-based measurements may not be the best choice when examining policies such as home school regulation where mobilization has occurred on a more grassroots, individual level. However, with school choice policies, where congregations have a stake in lenient policies, congregational-based measurements offer a greater degree of explanatory power. Yet, this could also be an indication that the number of congregations is not as relevant to measuring religious presence as population size, because the number of congregations cannot account for the size of those populations. With the growth of the mega-church phenomena, the size of the religious population is better able to measure religious presence. While the number of congregations may be a signal to policy-makers about the presence of religious groups, another signal may be one or two congregations with enormous numbers of congregants. The congregational measurements used in this analysis would not be able to account for these large congregations, yet the population-based measurements would.

*Other Explanations:*

Throughout these analyses, various other explanations were included to control for the role of other state level factors. Urbanization is important for school choice policies, policies which are framed in the context of urban school reforms. The private school choice index indicates that states with larger urban populations are less likely to adopt private school choice policies. No other explanation is significant for the prediction of private school choice policies. However, as noted in the third chapter, this finding may be related to the allowance of voucher-like programs for students in rural areas with no public school. There are only a fraction of states that allow voucher-like policies, a few of which designate those policies for students in rural areas. It is perhaps that case that states with larger rural populations have a greater need to adopt private school choice alternatives in order to provide educational programs for all residents. For charter school policies, the findings indicate that states with larger urban areas are less likely to restrict the operation of charter schools. This falls in line with the hypothesis

offered with urban schooling reform, in that less restriction will be placed on schools in order to encourage educational innovation.

Beyond urbanization, many other factors are important for the prediction of charter school policy restrictiveness. As expected, the state dropout rate and the strength of teachers' unions are important for the prediction of charter school restrictiveness (for both dependent indices). States with higher dropout rates are less likely to restrict charter school operations. This finding is similar to the expectation noted with urbanization, in that states seek out quality public school alternatives that encourage educational innovation. Also as expected, states with stronger teachers' unions are more likely to restrict charter school policy. However, teachers' unions were expected to be more influential with regard to private school choice than they are with regard to charter school restrictiveness. The findings here are the opposite of this expectation, and may be an indication that since choice advocates shifted focus to charter schools, teachers' unions followed closely behind. The degree of Republican control of the legislature is important for the index including appellate processes, and the size of the state's contribution to the public school budget is significant for the index where appellate processes are not included. States where Republicans have more control of the legislature are less likely to restrict charter schooling. Those where the state contributes a larger proportion of the public school budget are more likely to restrict charter schooling. The lack of significance of state contributions in the index including appellate processes and the significance of state contributions in the index where appellate processes were excluded may indicate that states providing larger contributions of the public school budget are leery of allowing for expensive appellate processes. Similarly, the significance Republican control index including appellate processes and the lack of significance in the index where appellate processes are excluded may indicate that Republican legislatures are focused on ensuring that fiscally conservative educational alternatives have all possible chances of survival.

Finally, other than evangelical and LDS presence, teachers' unions are the only significant predictor for home school policies. Specifically, the strength of teachers' unions is a significant predictor of teacher qualification and subject requirements. In contrast to expectations, this finding indicates that as the strength of teachers' unions increases, the likelihood of restriction decreases. However, a few factors must be included to fully understand these findings. The coding decisions made in regards to teacher qualification and evaluation requirements may be deflating the role of teachers' unions in home school teacher qualification requirements. Where states dictate evaluation requirements based on the educational qualifications of parents, they were coded as having the least degree of teacher qualification requirement stipulated by the state, and the corresponding evaluation requirement was coded. For example, if a state stipulates that parents with only a high school diploma annually test their children but does not require testing if parents have a college degree, this state was coded as requiring a high school diploma and an annual testing requirement. Therefore, the accuracy of this measurement may be influencing the findings. Next, the individual measure of subject requirements indicates a negative relationship, a relationship which may suggest that the state has no subject requirement, or may be an indication that the state has some minimal degree of subject requirement. Perhaps states with stronger teachers' unions are more likely to have subject restrictions in name only. Such that they are able to get the state to symbolically stipulate a subject requirement, but are not able to achieve de facto subject requirements. More research is needed to understand the relationships between the conditional teacher qualification and evaluation regulations as well as the role of teachers' unions in state home school subject requirements. This research should take a more qualitative approach that can identify specific home school policy regulations targeted by teachers' unions and resulting decisions in various state institutions. It may be the case across all home school policies that teachers' unions have pursued restrictions and regulations, and have been successful in those pursuits, only to have the state write new policy (or alternative home school policies) which exempt religious parents from regulations.

*Limitations and Implications:*

As discussed throughout the chapters in this analysis, there are various limitations of this research, including the possibility of multi-collinearity, choices made in coding home school teacher qualification and subject requirements, and limits to explanation based on methodology. First, multiple independent variables are related to one another. States with legislatures controlled by Republicans also have more LDS adherents (however, this correlation may be driven by one state, Utah, as discussed previously), and fewer evangelical adherents and Catholic populations. While these correlations are not terribly strong, they cannot be forgotten particularly when considering their relationships with other factors. Republican control is also slightly correlated with urbanization, suggesting that rural states are associated with Republican legislatures. Urbanization is positively correlated with Catholic adherents. Legislative professionalization is highly and positively correlated with urbanization, and is positively correlated with Catholic adherents and evangelical adherents (having a strong correlation with Catholic congregations); it is negatively correlated to Republican control, and LDS populations. Ultimately, these cross-correlations point to possible multi-collinearity issues in the models tested throughout these analyses. These possibilities are also suggested by the large standard errors and sign changes for legislative professionalization throughout the models. However, in the models tested, other measurements did not change sign, various models tested using different combinations of independent variables had similar results, and religious influence remained consistent throughout the models.

While multi-collinearity statistics such as tolerance and Variance Inflation Factors (VIF) cannot be generated for ordinal logistic regression, they be generated for linear regression models, offering a reasonable alternative if using the same explanatory measurements. In order to test for multi-collinearity, a linear regression model was run using the same independent variable measurements. For this model, no value for tolerance was below 0.40 and no value for the Variance Inflation Factor (VIF) was above 2.6. These values indicate that multi-collinearity is not an issue with the models in this volume, as values of

tolerance below 0.10 and VIF values above 10 are indications of multi-collinearity. Therefore, while some alternative explanations are not significant, there is less of a chance that it is due to multi-collinearity than it is that they are just not important in policy prediction. The findings in each of the chapters presented here are validated. They indicate significance of evangelical presence on charter school and home school restrictiveness, of LDS presence on private school choice and charter school policy, and of Catholic presence on private school choice policies. The differences in the importance of the presence of these religious groups across education policies suggest differing roles of these groups as opposed to model issues. The problems with sign changes in the legislative professionalization measurement are more indicative of an issue with the measurement itself, or its inclusion in education policy analyses. It may be the case that education policy research should examine the role of state departments and boards of education, and implication discussed below. Additionally, as charter school oversight falls to specialized agencies in some states, more in-depth analyses of these agencies is required to fully understand appellate processes.

There is a problem with understanding the role of state boards of education (and other agencies) in these analyses. The differences in numbers of members, selection of those members, and their term length create a difficult scenario when attempting to code cross-sectional state-level data. In the future, a more qualitative approach is needed to understand these dynamics, as well as the relationships between the three branches of state governments. Some states may leave more of the regulatory processes to boards, such that some of the dynamics of charter school and home school policies are lost in this analysis. Qualitative analysis would also enable a discussion of how religious groups are influential throughout the various institutions and processes involved in determinations of education policies. It is perhaps the case, as suggested in the third chapter, that as the legal constraints to school vouchers have been lifted, and as home schools are categorized as private schools, religious groups may become more active with school vouchers. Yet, in order to fully understand the reasoning behind allowing home

schools to be categorized as private schools, and the role of religious groups in favorable home school and school voucher policies, individual state case studies are needed. These studies would be able to provide an overall depiction of the religious pursuits of favorable educational alternatives, and would be able to connect the role of one policy decision on the activism and decision-making in other policy areas, from home school to school vouchers, from school vouchers to charter schools, and in areas not yet examined.

Qualitative analyses can also seek to examine conditional relationships, where states allow lenient teacher qualification restrictions and have more restrictive evaluation requirements, or vice-a-versa. As noted throughout this volume, the coding scheme used for home schools was chosen so as to remain consistent across states, and code one specific home school option (in states with multiple options). This scheme may have led to findings of statistical significance where variables are not significant or findings of no statistical where variables are significant. For example, in states with conditional restrictions, the lowest teacher qualification requirement was always coded. This may lead to an error in the measurement by reducing the number of states with teacher qualifications. Similarly, the evaluation requirement coding for states with conditional regulations was the regulation corresponding to the lowest teacher qualification requirement. For these regulations, the evaluation requirements are more regulatory for parents with a lower level of education. Therefore, states may have been coded as having stricter evaluation requirements than they actually do, thus skewing the measurement toward more restrictive evaluation requirements. However, the coding scheme chosen may actually measure restrictiveness more than the above discussion would suggest. In states where evaluation requirements are conditional upon teacher qualification requirements multiple evaluation choices are given to home schools, some of these choices are so vague or lenient that they in fact are not restrictions at all; meaning that parents with very little formal education can home school their children and are not required to evaluate their child's academic performance. Qualitative analyses offer the possibility of discovering the decision-making

processes behind these conditional restrictions, as well as understanding the restrictions where religious interests and teachers' unions are most attentive and active.

*Future Possibilities:*

First and foremost, this research can be extended by conducting more qualitative analyses examining how religious interests influence education policy. Furthermore, this cross-sectional analysis can be extended by conducting quantitative, time-series analysis to account for the various factors at different points in history. Finally, extensions of this research should look into the role of other religious groups, and religious influences on other education policies, such as other urban school reforms, those targeted toward at-risk youth and students with English as their second language (ESL), those targeting diversity and integration of public schools, and more contemporary public school curricular and program objections.

As previously noted, qualitative analysis enables more in-depth analysis of relationships examined here, and may help to understand intricate details of those relationships. Ultimately, religious activism in state education policy-making requires a more qualitative approach, which should include proposed policy reforms, the success of those reforms, and the degree to which reforms consistently appear on the legislative agenda. Beyond the legislature, if policies are regulated and re-tuned in state agencies, one would need to examine agency records. Furthermore, both state and local agencies are important education policy-making institutions. Deckman (2004) examined evangelical attempts to infiltrate local school boards, and Cigler, Joslyn and Loomis (2003) have examined evangelical activism within State Board of Education in Kansas. In the future, researchers should examine the dynamics within and between state and local boards of education. To start, various factors dealing with the number of members, their term length, and whether they are elected or appointed need to be analyzed with regard to specific education policies. Which interests are most represented by these institutional arrangements? Are the same interests present for all policies, or do specific interests get involved in specific policies? In

addition to this, religious conservatives have targeted both state and local boards of education, but have not necessarily been equally successful within both institutions. Are they more likely to influence at the state or local level? If state boards are not as friendly to religious conservatives do they then target local boards? What about a lack of success within local boards, do religious conservatives then target state policies? All of this leads to the need for a better understanding of educational policy regulation within boards of education and agencies responsible for oversight of educational reforms and policies.

Beyond governmental institutions, processes, and documents, media reports of activism within states, public opinion of these policies, and electoral effects of policy changes are also important factors to understand. How are religious groups influencing these policies? Are they rallying for state passage? Are they spreading key messages through issue advocacy campaigns? How do these interests and messages influence public opinion on policies? In states like Utah where the legislature adopted universal vouchers and a public ballot initiative overturned this law, which groups lobbied the legislature and how were they successful? Which interests were involved in getting the ballot initiative? What were the arguments that each side presented for their public campaign for and against overturning the law? Finally, when the state legislature or the state board of education has to make a decision which will either upset religious conservatives or other elements of society, what are the electoral implications of these decisions? Vouchers and other private school choice policies are particularly primed for qualitative approaches, as state policies are constantly changing with legislative adoptions, state court rulings, and public ballot initiatives; this is ever truer when attempting to understand the dynamics between voucher and home school laws. Additionally, the differences between start-up charter schools and conversion charter schools, and the differences in their regulation, should be qualitatively examined to fully understand the religious preference toward conversion schools (and ultimately analyzing the role of religion on the numbers of each and their regulatory barriers). The regulation of start-up and conversion

charter schools, and charter school policy more generally, will also be more readily understood by examining the policy-making role of state and local boards of education as mentioned above.

In addition to qualitative approaches, quantitative time-series analyses can be used to statistically analyze the role of religious interests in these three education policies. This approach allows the distinction of changes in charter and home school laws, and can provide analysis of amendment processes within states. Time series may also be able to statistically analyze change in voucher policies over time, although to a lesser degree as policy change is much more frequent than charter or home school laws. Another hurdle which time-series analyses will have to overcome is the limitation of measurements. This analysis was possible using Glenmary measures of evangelical congregations and populations. This measurement is not available in previous studies. Beyond that, other traditional measures of Christian Right strength cannot examine other religious groups. Researchers attempting to conduct time-series analyses will most likely have to create their own measures of evangelical congregations and populations, not altogether impossible, yet very time consuming considering the span of time, and the various denominational changes over this time frame.

Future research should also be able to account for influences of other religious groups. For example, in Florida, evangelicals and Catholics are not the only religious groups receiving funds through the Florida scholarship tax credit program, Jewish, Buddhist, and Muslim schools do as well (Weber 2010). As evangelicals have pushed for favorable treatment of religious schooling, they have created an incentive for other religious groups to get involved, a situation which may tie directly into theories of the social construction of populations based on public policies. What would be an interesting offshoot of this research is the examination of opinions of religious schooling alternatives, where questions are asked specific to the allowance of various religious groups. (Here, for example, it would be expected that evangelicals support religious preference for themselves, yet do not support these options for Muslim schooling). Furthermore, future research could analyze the degree to which religious schools participate

in private school choice and charter school programs, and the degree to which these programs are targeted by schools associated with specific congregations (i.e. are religious schools more participatory in some states, and, in these states, which religious adherents are taking the most advantage of the state policy).

Finally, this research can be extended by analyzing the role of evangelical adherents (and other religious adherents) on myriad other education policies. First, chapter five analyzed the role of religious groups with regard to state notification, teacher qualification, curricular, and evaluation requirements; there are various other home school policies which these groups would be expected to have influence upon. For example, some states have religious freedom clauses, such that home school restrictiveness is limited by state recognition of religious and parental rights to make educational choices. Additionally, some states dictate that colleges and universities cannot discriminate against home schooled students, even in situations where there is little to no regulation of home schools. Finally, some universities target recruitment toward home schooled students, in an effort to continue educating them with moral curricula and create a broader activist core of home school advocates. These are very interesting relationships that have implications for the future of American policy and democracy.

As noted above, charter school laws are also primed for more detailed analysis of individual restrictions. For one, states allow varying numbers of charter schools to operate, and some stipulate the students or areas to be targeted. Many scholars note that evangelicals, and other religious conservatives, are more likely to seek out private and religious schools (and more recently school choice policies) as a way to avoid integration requirements imposed on public schools (Mac Innes 2003; Reardon and Yun 2003; Weil 2002; Valls 2002). Therefore, these adherents should be less likely to pursue public and private choice policies which limit participation to racial minorities (also, in part, because white evangelicals would then be unable to participate themselves). This analysis was unable to include policies targeted toward minority youth, for reasons discussed in chapter two, such as the minimal degree to which any private choice policies are allowed both in general and for these specific groups, and the

state allowance for charter preference for these students as opposed to a state dictate of charter schools for these students. In the broader sense, however, it is possible to examine the racial composition of school choice schools, perhaps using time series analyses of religious and racial dynamics. Furthermore, on a larger scale, as the leftover mechanisms to ensure racially integrated public schools are being lifted some school districts are under siege by persons attempting to re-segregate schools. (There are two primary examples of this: the first with the Omaha, Nebraska school district's attempt to divide into three racially distinct districts; and the second the battle over the annexation of parts of the Kansas City, Missouri school district into the Independence school district, where the schools that moved were primarily white and those that remained were primarily black). Future research would examine the role of religious conservatives on the pursuit of these policies and the integration of state public schools. Ultimately, this would require both qualitative and quantitative approaches, and would require cross-state as well as intra-state, cross-district analyses. However, in-state cross-district analyses would require a search for accurate measurements of religious adherents in state school districts, a difficult feat.

Beyond integration, this research can be extended by examining the role of religious conservatives on other state and local school reforms, such as early learning initiatives targeted toward at-risk youth like public pre-schooling, all day kindergarten, and year-round schooling. Finally, in bringing together the role of evangelicals on home school, voucher, and charter school policies, future research should attempt to find the connections of these policy decisions on state and local educational funding choices (i.e. are states that have lenient voucher, charter school, and home school policies less likely to adequately fund public schools). Based on Weber's (2010) suggestions, it would seem that some states encourage corporate support of scholarship tax credit programs by allowing them larger tax benefits, but take these steps knowing that public school funding is already hurting and will continue to bear the burden as state revenues decrease; states like Florida already have a budget crisis, which led to cuts in public school funds, and state revenues will continue to decline as large corporate tax credits shift monies

into scholarship programs. Finally, the research can be extended by examining the role of religious adherence on specific education policy opinions analyzed in this volume, and discussed within this section. In order to fully understand the role of religious adherents in state and local education policy-making processes, one must understand the dynamics of religious opinion and activism on these education policies.

*Summary:*

This volume of research addresses the role of evangelical, Catholic, and LDS adherents in state adoption of private school choice and charter school policies, and state and regulation of charter schools and home schools. The larger theory underlying this analysis is culture war theory (Hunter 1991), as education policies are identified as primed for theoretical advances. Here, culture war theory is not as helpful, as school choice policies are attractive to morally conservative persons and persons concerned about social justice for at-risk, minority, and urban youth; they are favorable to both religious conservatives and religious progressives. Furthermore, culture war theory was only testable to the degree that the key variable of interest, evangelicals, was analyzed; for Catholic and LDS adherents, separation was not as needed (for reasons just described), and was not possible with the measurements used. However, even with these limitations, Catholic and LDS congregations are found to be important predictors of private school choice policy, and LDS adherents are found to be important predictors of both charter school and home school policies (with both congregations and populations important for charter schools, and populations only important for home school evaluation requirements). These findings support the assertion that culture war theory is not as useful for analysis of school choice policies. However, the lack of findings for Catholic and LDS populations and the minimal significance of congregations with regard to state voucher policies might suggest that culture war theory may provide explanation; perhaps these weak findings would be more explanatory were these groups separated. Similarly, the lack of findings for Catholics with regard to charter school policies and for LDS adherents

with other home school restrictions could also provide early support for the unique perspective that culture war theory provides for the study of education policies. Overall, evangelicals were the main religious group of focus, and the preliminary findings here suggest that they are important predictors of state education policy choice, specifically charter school and home school policies. Perhaps more recent evangelical mobilization efforts are just beginning to bear fruit, and the future of education policy is dependent upon not only identifying these influences, but discussing the implications of these influences for the future of American education.

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