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Article

The Original Scam: A Critical Race Policy Discourse Analysis of the School Choice Debate in Texas

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ABSTRACT

This study applies a Critical Race Policy Discourse Analysis to examine the rhetoric and ideological underpinnings of Texas's 2023 school choice debates, particularly the proposed Education Savings Account (ESA) program. Grounded in Critical Race Theory (CRT), the research analyzes the discourse surrounding House Bill 1 (88(4) HB 1) using data from legislative texts, gubernatorial press releases, public testimony, and media narratives. Findings reveal that despite race-neutral framing, the discourse both for and against the ESA program is deeply racialized, drawing on historical legacies of segregation and white supremacy. The study identifies three dominant themes: the racial origins of voucher programs as a tool to resist desegregation, the misleading rhetoric of parental empowerment, and the rebranding of school choice as a defense against liberal "indoctrination." Importantly, it highlights the role of white male Republican lawmakers from rural districts who opposed the bill, not necessarily from an anti-racist standpoint, but to protect local public schools from defunding. This research contributes to policy analysis by uncovering how school choice narratives obscure racial inequities while advancing neoliberal agendas, and underscores the need for equity-focused public education policies.

KEYWORDS: K-12 school choice; Critical Race Theory; Critical Discourse Analysis; K-12 school funding.

INTRODUCTION

The fight for the right to public funds for educational access has become one of the most hotly debated topics in education policy discourse. Whether seen as a public good for all or as a private good meant to be run by the market, education continues to be one of the most valued opportunities in American society (Labaree, 1997). These competing views have reached a critical point as the recent, rapid expansion of school choice policies such as voucher programs across states contribute to a movement to privatize public education (Mast, 2023; Welner et al., 2023). Despite the prevalence of these nationwide debates and policy changes, there exists little critical analysis of



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the policies themselves and the public discourse surrounding them (Alemán, 2007; Jabbar et al., 2022a; Welner, 2024).

In Texas, a state with a history of landmark school finance litigation since *San Antonio Independent School District v. Rodriguez* (1971), these debates reached an acute point of tension during the state's 88th legislative session in 2023. In a campaign led by Republican Governor Greg Abbott, the legislature held four special sessions to discuss and vote upon an education omnibus bill with significant funding allocations for an Education Savings Account (ESA) program (Svitek, 2023). A form of school vouchers, ESAs allow for the use of taxpayer dollars to subsidize private educational expenses including tuition as well as a range of other education-related services and resources (Angus, 2015). While the bill passed in the Senate, it was killed in the House, mainly due to a cohort of Republicans representing primarily rural school districts (Martínez-Beltrán, 2023).

Because of this perhaps surprising outcome, these debates merit special attention. Through a critical race policy discourse analysis, this study examines the discourse ecology of the Republican-led ESA program debates in Texas during 2023. Critical race policy discourse analysis applies the core tenets of Critical Race Theory (CRT) to the practice of discourse and policy analysis (Parker, 2003; Winkle-Wagner et al., 2019) and includes the following data sources: the text of the House Bill 1 (88(4) HB 1), relevant press releases from the Office of the Texas Governor, transcripts from the Texas State Legislative hearings including those held by the Texas House of Representatives and the House Select Committee on Educational Opportunity and Enrichment, and lastly, relevant evidence from widespread public media sources such as *The Texas Tribune*. This combination of empirical legislative text, state leadership communications, public hearing testimony, and popular media narratives provide an in-depth, multi-layered understanding of how policymakers and public media contributed to conceptualizations of school choice through the Texas ESA program debates during the 88th legislative session. In a climate of pervasive anti-woke rhetoric (Gupton & O'Sullivan, 2024), the discourse both for and against the proposed ESA program in Texas provides important insights into how advocacy levers may be applied in future school funding policy debates (Griffith, 2023).

This study advances prior scholarship through its primary focus on the discourse of an understudied yet pivotally important stakeholder in the nation's school choice debates, white male Republicans. Often vocal proponents of school choice, white male Republicans involved in Texas' 88th legislative session were not uniform in their viewpoints, and especially those from rural regions of the state, expressed opinions that countered their party's position. This study shows how these elected leaders grappled with the nuances and racialized implications of the ESA program and argued for the educational rights of their hometown constituents, all while under pressure from the Governor and party leadership. To render a holistic understanding of the discourse ecology, examples of discourse from non-white, non-male, non-Republicans are also included.

Existing scholarship at the intersection of school choice and racism includes multiple legal (Green III et al., 2024; Welner, 2024) and historical policy analysis (Diem & Hawkman, 2018; James, 2013; Welner et al., 2023) demonstrating how civil rights are challenged and racial hierarchy is conscientiously sustained through the implementation of school choice. Some scholars have highlighted the perspectives of various stakeholders such as parents to examine how anti-Black racism influences school choice decision-making processes (Posey-Maddox et al., 2021) and state-level policy actors to understand how racial constructions influence school choice policy enactment (Jabbar et al., 2022a). This study fills an empirical gap in the school choice literature which has heretofore relied on legal, historical, or phenomenological analysis of other stakeholder groups. Furthermore, while some referenced scholarship adopts critical perspectives (Diem & Hawkman, 2018; Shook & Lizarraga-Dueñas, 2024), this study is the first to apply a Critical Race Theory lens within the field of school choice. Since studies have repeatedly shown how anti-Black racism is embedded in school choice ideology and enactment, examining the phenomena through a CRT framework is imperative (Green III et al., 2024; Posey-Maddox et al., 2021). The following research question guides the study: What does the discourse ecology of the Republican-led ESA program debates during Texas' 88th legislative session reveal about the racial ideologies embedded in the arguments of both school choice proponents and opponents?

BACKGROUND

SCHOOL CHOICE, VOUCHERS, AND EDUCATION SAVINGS ACCOUNTS

While there has long been multiple options for K-12 schooling in the U.S., the idea of school choice as a mechanism to promote competition through a market model began to gain momentum in the late 1950s and is largely credited to the economist Milton Friedman (Horsford et al., 2019). Friedman's vision included limited government involvement in schooling with the landscape being mostly dominated by private enterprise where parents could select a school that aligned with their pedagogical and/or religious affiliations (Friedman, 1962). As his neoliberal marketization ideology gained traction, advocates began to promote the idea of shifting focus from education systems to individual students (Buras & Apple, 2005). As Scott (2013) explains, "at the legislative and regulatory levels, policymakers have redefined equity in schooling to mean providing parents with sufficient school choices to "buy" education for their children" (p. 60). Proponents of school choice argue that the competition created by empowering parents would help improve that nation's "failing" schools (Ford et al., 2017). While parent empowerment is a driving argument for school choice advocates, research reveals a more complicated outcome where parents have become both empowered and disempowered as they participate as consumers in a competitive school choice marketplace (Olson Beal & Hendry, 2012).

Since its introduction, the school choice movement has continued to gain momentum with a notable uptick in expansion in recent years. While the school choice landscape also includes options such as charter schools and magnet schools, the scope of this paper focuses on school choice policies such as vouchers and ESAs that permit families to use public education dollars for state-approved educational services of their choosing. Voucher programs allow for parents and guardians to apply to use a set amount of public money, often based on the state's per-pupil amount, to pay for private school tuition, including at religiously affiliated schools. ESA programs are similar but more expansive in their permission of use of public dollars. In addition to tuition, ESAs allow parents and guardians to spend public money on educational expenses such as tutoring, after school programs, disability services, therapy and technology for disabled students, transportation, school meals, academic tests, textbooks, and uniforms (Erwin, 2024).

Often highly politicized, the research on the effectiveness of school choice on academic outcomes has produced mixed results (Goldie et al., 2014; Jabbar et al., 2022b). The wide variation of performance metrics and definitions used in school choice studies as well as the range of accountability measures required of private schools for participation in standardized tests, for example, complicate the ability to measure and compare student outcomes (DiMarco & Cohen, 2024). Still, some studies show promising results. For example, in their study on the effects of school vouchers on student test scores in New York, NY, Dayton, OH, and Washington, DC, Howell and colleagues (2002) found that Black students using vouchers gained an average of 6.3 National Percentile Ranking points on the Iowa Test of Basic Skills, relative to their public school peers. In an analysis of how voucher use influences college enrollment and completion, Chingos and colleagues (2019) found that students using the Florida Tax Credit Scholarship program enrolled in college at 6 to 10 percentage points higher than their peers and 4 to 6 percentage points higher in Milwaukee, Wisconsin using the Milwaukee Parental Choice voucher program. However, in Washington, DC, where students could access the DC Opportunity Scholarship Program, choice students were 3 percentage points less likely to enroll in college within two years of expected graduation from high school (Chingos et al., 2019, p. 18). The authors cite numerous possibilities for this outcome such as a smaller sample size, the possibility of private schools holding students back, and greater access to public school choice in the form of charter school options in DC compared to Florida and Milwaukee.

Multiple state-level studies show that choice students experience loss in academic achievement after switching from public to private schools such as in Indiana (Waddington & Berends, 2018), Louisiana (Mills & Wolf, 2019), and Ohio (Figlio & Karbownik, 2016). School choice users in both Indiana and Louisiana sustained negative academic effectiveness, particularly in math achievement. The study on Ohio's EdChoice program, one of the nation's largest voucher programs, similarly found persistent negative academic effects, greater in math than English language arts, and reported that while most students using the voucher were primarily from low-income households and had minoritized racial identities, the participants were relatively higher-achieving and less economically disadvantaged than other voucher-eligible students (Figlio & Karbownik, 2016). These demographic distinctions are

important considerations when matching outcomes to promised goals of the policy initiative. Lastly, in their systematic review on the competitive effects of school choice on student achievement, Jabbar and colleagues (2022b) found that, despite significant variation in effects, school competition has small positive impacts on student achievement. This study and those like it address the concern about the impact of school choice on students remaining in public schools.

Despite the mixed data on performance outcomes for school choice users and although most American school-aged students attend public school, the number of states with options to use public dollars for private education is significant and growing. According to the Education Commission of the States, as of January 2024, fourteen states had adopted ESA programs, 13 states and DC had adopted voucher programs, and 21 states had adopted tax credit scholarship policies (Erwin, 2024). Some states have multiple programs. As for what's on the horizon, according to the Center on Budget and Policy Priorities, half of all states are considering new laws to expand these policies, which, they argue, would “erode access to well-funded, public K-12 education” (Hinh, 2023).

SCHOOL CHOICE AND RACISM

The history of the school choice movement is intimately tied to racial ideologies and white supremacist motivations (James, 2013). School choice policies have been routinely used to maintain racial privilege and segregation and increased in popularity after the Brown (1954) decision to desegregate schools (Ford et al., 2017; Diem & Hawkman, 2018). Although school choice policies use race-neutral language and forefront market-driven ideologies of competition and deregulation, research has shown that in practice these policies have resulted in an increase in racial isolation (Magness & Surprenant, 2019; Ukanwa et al., 2022). As Jabbar and colleagues (2022a) found in their examination of policy influencers' perceptions of the targets of school-choice policy, “discourses regarding target populations can thus use race-neutral language while still conveying racist ideas” (p. 493). In their edited volume, *The School Voucher Illusion: Exposing the Pretense of Equity*, Welner and colleagues (2023) similarly demonstrate how the equity narrative promoted by school voucher advocates has been severely undercut by its practice which overwhelmingly provides subsidies to already advantaged families and fails to provide antidiscrimination protections to historically marginalized populations.

Although school choice proponents argue that providing more choices in an education marketplace would help Black children escape poor school conditions, Posey-Maddox and colleagues (2021) find from their meta-analysis of Black parents' educational decision-making that “no choice is the ‘right’ choice within educational systems marked by antiblackness” (p. 40). So while some Black students and families have had positive experiences utilizing school choice options, the permanence of anti-Black racism persists. This study adds to the emergent literature investigating the racially motivated goals of school choice policies by focusing specifically on the ESA program discourse in Texas.

CRITICAL RACE POLICY DISCOURSE ANALYSIS

In this study, I apply the tenets of Critical Race Theory (CRT) to the methodological praxis of critical discourse analysis in a public policy context (Diem et al., 2014).

CRITICAL RACE THEORY

During the Civil Rights Movement, many unprecedented civil rights, anti-racist legislation was passed in the United States. In education, the landmark Supreme Court ruling in *Brown v. Board of Education* (1954) mandated that states desegregate their public schools. However, in the years that followed, a group of civil rights lawyers noticed that the hearts and minds of many Americans with white supremacist beliefs did not change. Furthermore, new laws were proposed that sidestepped the recently passed civil rights legislation and sometimes embedded racist practices within systems even deeper and more covertly (Bell, 1975). Unnerved, these lawyers began to describe the ways U.S. jurisprudence was maintaining racial subordination. These ideas inform the core tenets of CRT (Delgado et al., 2017).

Although the tenets continue to evolve over time, adding additional concepts and nuance, the following five concepts persist: (1) racism is endemic to society in the U.S.; (2) racial equality will only be achieved when it converges with the interests of white people; (3) liberalism must be critiqued for how it legitimizes racism; (4) storytelling and counter-storytelling are essential means towards emancipation; and, (5) whiteness is intimately tied to property (Bell, 1980; Delgado et al., 2017; Harris, 1993; Matsuda et al., 1993). In essence, whiteness claims

power through racial domination and uses the legal system to maintain that power through a matrix of rights, with the right to property being chiefly among them.

In a study about Texas school finance policy, Alemán (2007) argues that “a CRT perspective situates school funding inequity as a political, social, and historical process in which the normalization of inequity, subjugation of marginalized groups, and oppression of communities of color exists via the institution of a racist school finance system” (p. 527). In a similar manner, this study utilizes a CRT perspective to highlight and expose the ways the discourse about the school choice policies in Texas may perpetuate or disrupt said normalization, subjugation, and oppression of historically marginalized racial groups.

CRITICAL DISCOURSE ANALYSIS

A strand within the larger tradition of discourse analysis (Gee, 2011), Bouvier and Machin (2018) explain that critical discourse analysis (CDA) is:

interested in the role of language in the functioning of society and political processes. It has tended to target texts produced by elites and powerful institutions, such as news and political speeches, with a view to revealing the kinds of discourses used to maintain power and sustain existing social relations (p. 1)

CDA’s focus on examining how language is used to maintain power in political processes makes its application to this study of school funding policy discourse as articulated in official government documents, communications, and testimony as well as in media sources both appropriate and necessary. CDA places a discourse in its sociopolitical context which is crucial to the temporal nature of this study (Fairclough, 2013). Lastly, since CDA is used to examine the relationship between language and ideology, pairing this methodological tradition with the theoretical framework of CRT bolsters the fabric of the study as a whole.

In her book, *As Texas goes...: How the lone star state hijacked the American agenda*, political commentator Gail Collins discusses the disproportional influence of Texas on American politics – making its political developments ripe and important for study. It thus comes with little surprise that this poignant political moment in Texas has prompted two worthy investigations interested in how stakeholders are making sense of sometimes overt and often covert racism promulgated through education policies. Shook and Lizarraga-Dueñas (2024) similarly conducted a critical discourse analysis during Texas’ 88th legislative session but focused on the Senate hearings on anti-DEI (diversity, equity, and inclusion) and anti-CRT (critical race theory) bills in higher education policy. Through an application of Van Dijk’s (2015) model for discursive reproduction of power and Bonilla Silva’s (2017) frames for color-evasive rhetoric, they found how denials of racism can be embedded in the questioning practices enacted in a state legislative context. While Shook and Lizarraga-Dueñas (2024) analyze the transcriptions of the Senate’s hearings on two separate bills, they do not include the text of the bills themselves or any other elements of the discourse ecology like press releases or public media as is included in this CDA study.

METHODS

SETTING: THE TEXAS K-12 EDUCATION LANDSCAPE

As the state with the second largest population, Texas was home to about 5.5 million school-aged children, accounting for nearly 11% of students in the country, during the 2022-2023 school year (Wang et al., 2023). According to the Texas Education Agency, there are about 1,200 school districts and just under 61% of those are considered rural (Guzman et al., 2017). In the 2022-2023 school year, there were a total of 1,096 state-authorized charter schools and campuses, serving about 7.3% of the Texas public school population (Guzman et al., 2017).

The population across private, religious, and homeschools follows. According to the Private School Universe Survey which includes religiously affiliated schools, during the 2021-2022 school year, there were 1,738 private schools serving 246,706 children which is about 4.5% of school-aged children in the state (National Center for Education Statistics, 2020). A similar number of students were homeschooled at about 300,000 students or 5%, according to the Texas Home School Coalition.

A racially diverse state, over half (52.9%) of public school students are Latina/o, followed by white students (25.7%), Black students, (12.8%), Asian students (5.1%), and multiracial students (3.0%). Regarding other learning needs and backgrounds often accounted for in school funding formulas: about a quarter of students identified as emergent bilingual (23%); 12.7% of students were served in special education programs; and over half of the student population identified as economically disadvantaged (62%) (Guzman et al., 2017).

Data Sources

Considering the many inputs which contribute to a policy discourse ecology, I collected data from the following sources for this study: (1) the empirical text of House Bill 1 (88(4) HB 1); (2) relevant press releases from the Office of the Texas Governor; (3) Over 18 hours of public testimony; and (4) relevant public media circulated in widespread outlets during the study time period. This combination of empirical legislative text, public hearing testimony, and popular media narratives provide an in-depth, multi-layered understanding of how policymakers and public media contributed to the Texas school choice debates discourse during the 88th legislative session.

THE BILL

In an intentional effort to be grounded in the language of the legislation, this study included the full text of House Bill 1 as filed during the 4th Special Session of Texas' 88th legislature. Special attention was paid to Article 6 which detailed the "Education Savings Account Program" (p.90). Article 6 spanned 33 pages, from page 90 to 123, of the 177-page document and included 24 subsections (Sec 29.3651 - Sec. 29.375). The bill was authored by Representative Brad Buckley (R-Killeen), a 57-year-old white male veterinarian, and Chair of the House Select Committee on Educational Opportunity and Enrichment. Absent of a title, the bill is referred to as House Bill 1 or HB 1. The bill was first filed in its final form on November 7th, 2023, was passed by the House Education Committee on November 11th, 2023 and was then brought to the Texas House floor on November 17, 2023. A bipartisan vote of 84 to 63 favored the removal of the ESA program from HB 1, effectively killing the policy for this legislative session.

THE TEXAS GOVERNOR'S PRESS RELEASES

Since Governor Greg Abbott named the Education Savings Account Program as one of his top legislative priorities and due to the power bestowed upon him by his position as Governor of Texas, his official statements are included and taken under special consideration as a leading framer of the discourse. All press releases gathered for this study were retrieved from the Office of the Texas Governor's public website (<https://gov.texas.gov/>). To be included the content of the press release must pertain to the Education Savings Account Program proposed during Texas' 88th legislative session.

PUBLIC TESTIMONY

The 88th Texas Legislature's regular session met from January through May 2023. While public testimony on a former version of the proposed Education Savings Account Program was heard during this time, this study focuses on the public testimony given during the 4th Special Session because it was after these hearings that the decision to remove the ESA provision from HB 1 was ultimately decided. Broadcasts of public hearings were retrieved from the public archives available on the Texas House of Representatives' website (<https://www.house.texas.gov>). Transcripts were generated using Zoom, a web-based conferencing platform, and cleaned by hand for accuracy.

Two hearings emerged as most relevant to this study due to the content of the hearing and depth of discourse related to the ESA program. The first hearing occurred on November 9th, 2023, when the House Select Committee on Educational Opportunity and Enrichment met for 12 hours and 36 minutes and heard testimony from over 200 witnesses: 133 witnesses testified against HB 1; 53 witnesses testified for HB 1; and 31 witnesses testified on HB 1. Witnesses included people representing themselves, Independent School Districts (ISDs), professional associations of school leaders and unions, organizations representing special interests such as students with disabilities or racialized groups, parent coalitions, religious schools and organizations, private and homeschooling organizations, and nonprofit public policy advocacy groups. The House Select Committee included 15 Representatives, comprised of 10 Republicans and 5 Democrats.

The second hearing occurred on November 17th, 2023, when the Texas House of Representatives met during the 4th Special Session for 6 hours and 12 minutes. Speaker of the Texas House, Representative Dade Phelan (R-Beaumont), a 48-year-old white male real estate developer, presided over the meeting. During this session, the Texas House included 150 members, 86 Republicans and 64 Democrats. This meeting included testimony and debate between the Representatives on HB 1 as well as votes on amendments to and adoption of HB 1. The bill was ultimately recommitted to the committee.

PUBLIC MEDIA

In the current media-driven culture, a holistic analysis of a public policy discourse must include empirical evidence from public media sources. Because policy discourse can often be jargon-heavy and take a significant amount of time and effort to understand, many people rely on these public media sources to summarize and deliver

the news to them in a more digestible manner. These public media sources act as interpreters, and sometimes manipulators, of the legislation as well as the activity of elected officials and other stakeholders. For public policy debates, the narratives perpetuated in these spaces are important to capture in the analysis as they may influence public opinion and act as pressure mechanisms for politicians (Kalinina et al., 2019).

Evidence for this study was gathered from the public media sources listed in Table 01. The purpose of this study is to understand dominant discourse which can best be ascertained from sources that are made available to people without a paywall, open to all income levels. Thus, in this conception of “public”, all sources included were able to be accessed without providing direct payment to the source. Furthermore, the content of the source had to be focused on the Texas school choice debates during the 88th legislative session. All sources were published during 2023 except for a few published in 2024 for the purposes of understanding some of the immediate impacts and forecasting for the future developments of this political struggle. Effort was made to include sources with a spectrum of political leanings from liberal to nonpartisan to conservative. A variety of media forms were also included such as text, video, and audio to account both for a diversity of media storytelling methods and for multiple access experiences by people with a range of able-bodied capacities. Data collection concluded when saturation was reached (Merriam & Tisdell, 2016).

Table 01. *Public media sources consulted for study*

Source	Description
<i>The Texas Tribune</i>	A nonprofit, nonpartisan public media organization focused on state-level public policy, headquartered in Austin, TX.
<i>The Texas Standard</i>	Statewide daily news-show focused on Texas, in collaboration with KUT News.
Texas Public Radio	Non-commercial public radio station group serving South and Central Texas.
KBTX News	Television station Channel 3 located in Bryan, TX.
Fox News	National conservative news and political commentary television channel and website based in New York City.

DATA ANALYSIS

I used ATLAS.ti qualitative coding software to facilitate multiple iterations of coding during data analysis. Data included transcripts from the following sources: HB 1, relevant press releases from the Texas Governor, over 18 hours of public testimony, and relevant public media. I first used an open coding method to allow themes to emerge from the discourse (Saldaña, 2013). Then, I used a theory-informed approach and coded for the tenets of CRT (Delgado et al., 2017). During the axial coding phase, I developed a codebook and grouped and re-grouped the codes until high-level conceptual categories emerged (Carspecken, 2013). While coding I kept detailed analytic memos to track the process of coding development as I uncovered how the discourse was “enacted, reproduced, legitimated, and resisted by text and talk in the social and political context” (Van Dijk, 2015, p. 466). These memos increase the credibility of the study by providing transparency about how I addressed potential biases in the coding process (Billups, 2020). After a review for triangulation between all data sources (Yin, 2018), the findings were organized into themes and described using thick description (Geertz, 1973). This thick contextualization enables transferability of the study whereby researchers can assess how the findings may be similar or applicable in other settings.

POSITIONALITY

A researcher’s intersectional identity and life experiences influence the research process. In an effort to be transparent regarding my personal biases and to mitigate their influence on the research activities (Milner, 2007), I include a brief description of myself and have engaged in ongoing critical reflection through journaling and member checking (Merriam & Tisdell, 2016). I am racialized as white, of Jewish heritage, cisgendered as female, able-bodied, and of a middle class background. Prior to becoming an academic and school finance policy analyst, I was a public school English teacher in the middle and high school settings in the Mid-Atlantic region of the United States. I believe in the tenets of CRT and engage in this work with the intention of using scholarship to advocate for a more just and equitable public education system. As asserted by Howe and Moses (1999), I also believe that “educational research is always advocacy research inasmuch as it unavoidably advances some moral-political perspective” (56).

THE TEXAS SCHOOL CHOICE POLICY DISCOURSE

A critical race policy discourse analysis of the school choice debates during the 88th session of the Texas legislature revealed the following three themes. A note about language: As described, the provision included in HB 1 details a plan for an Education Savings Account program. The language stakeholders used in the discourse, however, often substitutes the term “voucher” in place of ESA. Stakeholders may use “voucher” instead of “ESA” for a variety of reasons, including the arguably higher level of name recognition and to potentially signal a pejorative opinion of the policy. Both terms are types of school choice policies.

(1) “THE ORIGINAL SIN OF VOUCHERS”: THE FURTIVE PRESENCE OF THE PAST

Across narratives from Republicans, Democrats, advocates, and education leaders, as documented in public speeches, legislative testimony, and public media outlets, a consistent thread emerged in the Texas school choice discourse – and racial ideology is at the core. The discourse makes it clear that the racialized origins and history of school choice policy continue to motivate advocates for choice.

In the 1950s and 60s, school voucher programs were proposed in Texas and implemented in other states to circumvent school desegregation policy. Stakeholders pointed to these origins multiple times in their 2023 testimonies. During the Select Committee on Educational Opportunity and Enrichment’s meeting on November 9, 2023 to hear witness on and debate HB 1, Representative James Talarico (D-Austin), a 35-year old white man and former teacher, shared the exact year when vouchers were first proposed in the Texas legislature:

Texans like the ones on this committee have been fighting against vouchers since 1957. That was the first time a voucher was proposed in this Legislature, two years after Brown versus Board of Education.

As Representative Talarico lays out, some Texans responded to the landmark Supreme Court ruling in *Brown v. Board of Education* to racially desegregate schools with a proposal for vouchers which would have provided an alternative to racial integration. Although Talarico does not engage in a direct discussion of the racial implications, his intentional description of this chronology signifies cause and effect. As is well documented in the literature on this era post-Brown, anti-integration stakeholders used savvy and extreme political tactics to evade the

federal legislation (Fleming, 1956). While this 1957 voucher proposal did not pass in Texas, the movement to resist racialized school integration was active (Gandy, 2020).

Later during this House Committee hearing, Republican Representative James B. Frank (R-Wichita Falls), a 57-year old white male business owner, questioned several witnesses who provided testimony against the ESA provision of HB1, and while doing so, he explains his view of his position as a legislator, saying that “I think it's our job as representatives to represent the parents” and that the ESA program is “going to empower parents. It's going to help kids.” In response to these claims and other aspects of the discussion on how this “choice” may be used and by whom, Representative Harold V. Dutton Jr. (D-Houston), a 79-year-old Black male attorney, brings the conversation back to 1957. Towards the end of a panel, he adds:

In the 55th Legislature in 1957, House Bill 235 was passed. And I just wanted to read you one of the things it said. It said: The fact that each person in this State has a right to avoid forced integration in the schools. This act will provide a means for the fair choice of schools. Think about that.

Similar to Representative Talarico, Representative Dutton does not elaborate on the racism embedded in this voucher policy effort. Like a wise teacher, he simply and purposefully asks the room to “think about that” as his signal to the underlying intention of this policy. With this statement, Representative Dutton drew a direct line between the current claims to “fairness” being made by school choice advocates in 2023 Texas and the historic claims to fairness by anti-integration advocates in 1957 Texas. While the 1957 bill passed in the House, it was blocked in the Senate through a historic filibuster by Texas’ first Latino state senator, Henry B. Gonzalez, and a first-generation Lebanese senator, Abraham “Chick” Kazen (Phillips, 2023). The use of school choice policies, in whatever form, to avoid racial integration was repeatedly cited as connected to both the root and current manifestation of this struggle in Texas.

When providing witness testimony on behalf of school leaders, Dr. Kevin Brown, Executive Director of Texas Association of School Administrators, started even further back in the nation’s timeline:

Our founding fathers and our founding documents in our State and our country are passionate about the need for public education, but they make no mention of private schools. And let's not forget the original sin of vouchers which was to prevent desegregation of our schools in the 1950s. Let's not go back to that time.

In a less subtle manner, earlier in the year during public testimony when the ESA provision was being considered by the Texas Senate, Jaime Puente from Every Texan, a nonprofit public policy advocacy organization said, “Vouchers have been, and continue to be, a product of white supremacy” (Phillips, 2023).

The discourse connecting the 2023 ESA provision to the 1957 legislation did not go unquestioned. Midway through the 12 hour and 36-minute meeting of the House Select Committee on Educational Opportunity and Enrichment, Michael Barba, the former K-12 Education Policy Director of the Next Generation Texas campaign initiative by the Texas Public Policy Foundation, took on the claim directly:

I want to set the record straight on a couple of items. First, there is an idea that is being advanced that ESAs are racist. And people point to House Bill 235 from the 1957 session as evidence of this. If we open up that bill, we find...student eligibility: families where the ISD has no segregated schools available. Compare that to section 29.355 of the Chairman's bill. All children. All children are eligible for the program... The details matter.

Barba’s response to the connection of ESAs to racism shows the pervasiveness of this theme in the policy discourse. He asserts that because the current school choice legislation is open to all children and can be used at any accredited school or with any eligible education provider in Texas, rather than only eligible with segregated schools as in 1957, that there is no racism present. However, the wider discourse reveals that the openness of the ESA program is somewhat of a bait and switch. Critics say that the openness prevents the prioritization of vulnerable student populations and due to an absence of accountability measures, the bill lacks guardrails to guide use.

(2) “WHO IS THIS REALLY FOR?": UNVEILING THE TEXAS-SIZED TRUTH BEHIND THE VOUCHER SCAM

One of the central questions driving public policy is: who benefits? Unsurprisingly, this question permeated the discourse ecology of this study. During both the House Select Committee hearing and the 4th Special Session of the House, Democrats, Republicans, and public witnesses all discussed who the ultimate beneficiary of HB 1 would and should be.

The empirical text of House Bill 1 states that any child who is eligible to attend public school, according to the Texas Education Code Section 25.001, and meets a series of secondary requirements is eligible to participate in the ESA program (88(4) HB 1, p. 94). Notably, the secondary requirements permit students who were previously enrolled in private school, homeschool, and siblings of a student to access ESAs for the following school year. But children who were previously enrolled in public school must have attended public school in Texas “for at least 90 percent of the school year preceding the school year for which the child applies to enroll in the program” (p. 94). This means that students who move to Texas from out-of-state must enroll in public school for a year prior to being able to access the ESA program while students who were previously in private schools in other states do not have to wait. HB 1 also indicates that prioritization to students such as those who were previously in the program, students with disabilities, and students from low-income households of multiple tiers, will only be made:

On receipt of more acceptable applications during an application period for admission under this section than available positions in the program due to insufficient funding, a certified educational assistance organization shall, at the direction of the comptroller, prioritize applicants. (p. 96)

This means that prioritization will only take place if and when there are insufficient funds to serve every acceptable application during an application period.

The narrative interpretations of this section of HB 1 took two distinct and opposing directions. Anti-school choice advocates pointed to the lack of ensured prioritization of vulnerable populations and pro-school choice advocates claimed the freedoms inscribed in this bill would help vulnerable populations and are important to Texan identity.

Among those Texan representatives who opposed the ESA program, Republican Representative John Raney (R-College Station), a 77-year-old white male and small-business owner who was not seeking re-election, proposed the amendment to HB 1 which would eventually remove the ESA program from the bill during the 88th legislative session. When he laid out the amendment, Representative Raney began by commending the bill’s author and stated that he supports everything included, except the creation of ESAs. He provides his rationale:

I am by no means a public education expert, but I believe in my heart that using taxpayer dollars to fund an entitlement program is not conservative, and it's bad public policy. It is the repeated goal of the State's leadership to provide what they call choice, whether through vouchers or ESAs to all parents. Therefore, the limitations in HB. 1 don't really matter.

By reiterating that pro-school choice advocates’ ultimate goal is to provide choice to all parents, Representative Raney strove to debunk the myth that the proposed ESA policy prioritized Texas’ most vulnerable populations, including students with special needs and students from low-income backgrounds. Here he has pointed to the dominant discourse as a way to understand the underlying and long-term goals of the policy proposition.

Similarly, as the House Select Committee discussed the details of which Texans might actually be able to access and use these ESAs, it became clear that low-income students in rural areas have very little potential mainly due to a lack of private school options in those districts and the significant capacity needed to navigate the complex application process. Representative Talarico repeatedly referred to the legislation as the “voucher scam” and Republican Representative Ken King (R-Canadian), a 52-year-old white male businessperson, made his position clear:

I will never, ever consider a voucher program that, and leave public schools without fully funding them. Because the kids I'm talking about, doesn't matter if they're rich or poor, special needs or anything else. Their option, given their geography, is the best public school they can possibly have, and I think that's the goal of most of this committee. So I would just. I would just ask your members to continue to weigh in about, you know, who is this really for?

The need to unveil the reality of who this legislation would really benefit was made necessary and difficult by the rhetoric of pro-school choice advocates. Throughout this study’s policy discourse, these stakeholders often invoked a sense of state pride as they referred to the Lone Star state, the great state of Texas, or the collective, “us Texans” in connection with their political agenda. For example, Republican Representative Brian Harrison (R-Midlothian), a 42-year-old white male and former chief of staff at U.S. Department of Health and Human Service Harrison concluded part of his testimony during the 4th Special Session as follows:

As I close, the choice is very simple. Vote “Yes” with the liberal teacher unions who oppose every conservative value your voters hold dear or side with parents, students, and teachers. This is Texas. We believe in freedom to our core and the next generation is on the line. It is past time for education freedom in the great State of Texas. I strongly oppose this amendment, and hope you'll join me.

Here Representative Harrison links Texas pride with the concept of freedom which has been inextricably intertwined with support for the ESA program throughout this discourse. Likewise, at the end of a back-and-forth with Representative Harrison during this hearing, another Republican Representative Nate Schatzline (R-Fort Worth), a 32-year-old white male and Director of anti-human trafficking organization, said, “I believe this amendment is anti-freedom, anti-parental empowerment, and anti-Texas.” The concept of what it means to be a Texan and what it means to protect that Texas identity emerged as a deeply powerful idea utilized especially by pro-school choice discourse during these debates.

(3) “*PARENTS DESERVE EDUCATION FREEDOM*”: *FORCED INTEGRATION BECOMES FORCED INDOCTRINATION*

While the current school choice policies subject to debate in Texas are not in response to a desegregation order, they are similarly, and sometimes explicitly, tied to racial ideology. Taking cues from Republican leaders, such as former Secretary of Education Betsy DeVos and Governor Abbott, as well as from advocates from pro-school choice think tanks and nonprofits, Texan Representatives connected the new ESA program to the opportunity to avoid perceived liberal ideas.

Well-known as a proponent of school choice, former Secretary of Education Betsy DeVos is also staunchly against the ideas of Critical Race Theory and the ways this theoretical framework may manifest in school curriculum. DeVos has repeatedly argued that school choice is a way to give parents control and the ability to shield their children from learning these concepts. In an opinion article published by Fox News, DeVos (2021) explains her opposition to CRT as a way to understand America and then wrote:

I’ve long advocated for education freedom, the idea that students should be free to learn wherever, whenever and however works best for them. That includes freedom from forced indoctrination.

Although some advocates try to dissociate or downplay the connection between the school choice movement and its racially charged motivations, and while the reason for supporting choice may be different for some, the message from the top is clear: choice means “freedom from forced indoctrination”. And that “indoctrination” is primarily the ideas of CRT.

In Texas, the anti-CRT stance has been woven into the fabric of school choice discourse. In his State of the State Address on February 16th, 2023, Governor Abbott first invoked a sense of white supremacist nostalgia, a common Republican tactic, when he said, “When I grew up in Longview and Duncanville, we were taught the basics... We were inspired by our country’s founding and how it stands apart from the rest of the world as the beacon of liberty and opportunity.” This uncritical description of America’s founding stands in contrast to a description informed by a CRT lens which would also include mention of the system of slavery and the oppressive restrictions of this same “liberty and opportunity” for Black people, women, Indigenous people, and others. Then, in another common tactic of political gesturing, Governor Abbott gives examples of parents in the crowd frustrated with their public schools:

Hillary Hickland was angry to learn that a woke agenda was being forced on her daughter in school. Let’s be clear: Schools are for education, not indoctrination. Schools should not push woke agendas. Period.

Echoing DeVos, Governor Abbott denounces the teaching of CRT-informed concepts by characterizing them as a “woke agenda” and then announces “education freedom” as his legislative priority by naming it an emergency item for Texas’ 88th legislative session. Governor Abbott made the connection between an anti-CRT stance and a state-funded Education Savings Account program explicit.

Over the course of the year, debate over the Governor’s ESA provision became heated. Texas news outlets had a steady stream of school choice narratives pushed by politicians, educator associations, private and parochial school advocates, political coalitions, lobbyists, and the parents themselves. Some of the leading voices shaping the pro-school choice discourse came from the American Federation for Children and the Texas Public Policy Foundation (TPPF), national and state-level nonprofit political think tanks, respectively.

In an interview on Fox News, Mandy Drogin, a young white female and Campaign Director for Next Generation Texas at TPPF, articulated the driving theme of this discourse when providing comment on a more restricted form of the proposed Texas school choice legislation:

This watered-down version is just not good enough. There are too many children that are stuck in schools that are either not providing the education their parents want or the teachers, there's some rogue teachers, rogue administrators, pressure from the union, and the indoctrination is real. And parents have had enough. And even if they don't want to leave their public school that's right down the street, they at least want the power that their public school will listen to them and stop with the nonsense. Get back to the basics, reading, writing, math, science, and focus on that and not these culture wars that's being crammed down the kids' throats.

Drogin's rhetoric mirrors that of both former Secretary of Education Betsy DeVos and Governor Abbott. She calls for a return to "the basics", laments the "indoctrination" occurring in public schools, and advocates for parental power. Again, school choice has been characterized as "education freedom" and a way out of the "woke agenda" stakeholders describe as "being crammed down the kids' throats" in Texas public schools.

This connection between education freedom and the liberal agenda was also made during both hearings analyzed for this study. A notable example is in Republican Representative Harrison's (R-Midlothian) testimony against the amendment to remove the ESA provision during the 4th Special Session:

Parental school choice, colleagues, is not just an education or an economic issue, but it is a moral issue, and I would argue, it is the civil rights issue of our time... How can we say with a straight face that we want every child to be educated, but at the same time say to a single mother working multiple jobs, struggling to get by, who wants nothing more than to give her children a quality education, but is trapped in a school where, instead of educating her children, they are indoctrinating them, that in order to appease the liberal extremist teacher unions and taxpayer-funded government education monopoly, we will continue denying her education opportunities to take her kids out of those failing schools and into a place where they can receive a quality education, and hopes for a brighter future. Ladies and gentlemen, we are better than that.

Like former Secretary of Education Betsy DeVos, Governor Abbott, and political advocate Mandy Drogin, Representative Harrison made plain that the proposed "education freedom" policy was a way to avoid the liberal "indoctrination" he describes as occurring in Texas public schools. Representative Harrison frames school choice as a "moral issue" and paints an empathetic picture of a struggling single mother whose child is "trapped" in a "failing" school.

DISCUSSION

Exposing racist intent behind school vouchers is not new. What is new is understanding how stakeholders have repackaged these narratives in this moment in time as tied to the state of Texas. By combining a CRT theoretical framework with a CDA methodological approach, this critical race policy discourse analysis illuminated some of the underlying meanings, especially regarding race and racism, embedded in the messaging throughout the discourse about school choice policy in Texas during the 88th legislative session. The discourse included both racially explicit and colorblind language to describe desire for and the opposition to the proposed ESA program. But as Ledesma & Calderón (2015) point out, it is the responsibility of CRT scholarship to "problematize objectivity and expose how colorblind and postracial ideologies, that envelope daily discourse, work to maintain privilege and protect white supremacy" (p. 218). The following discussion explains how the findings reverberate the core tenets of

CRT.

CRT TENET 1: THE PERMANENCE OF RACISM

The endemic nature of racism to society in the U.S. haunted the discourse, particularly in the first theme: "The original sin of vouchers": The Furtive Presence of the Past. Concern that the new ESA program would repeat historically racially motivated tactics to access educational opportunities and further inscribe racial hierarchy in the Texas education system was repeatedly expressed by Democratic House Representatives and public witnesses representing advocacy groups in public testimony. Despite their many citations and documented examples of the racist motivations and outcomes of both past and present voucher and ESA policies, the pro-school choice advocates denied and obscured these claims. Dr. Brown's description of the "original sin of vouchers" in preventing

desegregation plans particularly shows how embedded the racism is into the policy and the education system it perpetuates. Reminiscent of the biblical “original sin”, this origin is impossible to erase and is indicative of its intentions. Yet, despite all the carefully laid out facts, the opposing colorblind narrative continued to argue that this policy was for “all children” as Michael Barba passionately put it and would “empower parents” as Representative Frank described. This kind of sidestepping rhetoric that seemingly refuses to acknowledge the concept of racial realism (Bell, 1991) by claiming to empower individuals and support all children regardless of circumstance works to further inscribe the racialized disparities into the public education system. This study found that the decision-making discourse of these Texas policymakers and stakeholders concerning school funding policies demonstrated the furtive and evolving nature of how racism manifests as endemic to society in the U.S. (Sterin, 2023).

CRT TENET 2: INTEREST CONVERGENCE

As Bell (1980) explains, the second tenet states that the “interest of [B]lacks in achieving racial equality will be accommodated only when it converges with the interests of Whites” (p. 523). In this study, a cohort of white male Republicans, many representing rural districts, advocated against the ESA program to protect their own, largely white, communities. Analysis of the discourse revealed that these rural Republicans recognized that their interests would not be protected under a policy that would primarily serve their wealthier peers. As McGhee (2021) demonstrates in her book, *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*, low-income white people often suffer just as much if not more than low-income Black and Brown people when policies serving the white and wealthy prevail. The narrative “scam”, as Representative Talarico called it, is convincing low-income white people that maintaining a culture that upholds their racial privilege is worth the cost. Still, in many other instances throughout American history, white males in particular have voted and taken action in ways that prioritizes the maintenance of their racialized privilege over one that would benefit society more broadly. While their actions were not in pursuit of racial justice, their interest in protecting those living in rural and often low-income communities did converge with those of non-white Texans, as both benefit from retaining public funds for public schools.

CRT TENET 3: CRITIQUE OF LIBERALISM

The critique of liberalism exposes the nefarious nature of seemingly liberal policy campaigns in American politics which actually only provide surface-level, short-term solutions rather than long-term structural reform (Delgado et al., 2017). The second theme, “Who is this really for?”: Unveiling the Texas-sized Truth behind the Voucher Scam, demonstrates how stakeholders in this discourse ecology attempted to both make sense of a contradictory narrative and continued to promote a policy that would uphold racial hierarchy. As W. E. B. Du Bois (1903/2014) long ago explained, to be able to see the persistent racist logic structuring American society, one must “lift the veil” or, in other words, see Black Americans as fully human and deserving of equal rights. He argued that due to the legacy of anti-Black discrimination in this country this “unveiling” must be a conscious act, sometimes for non-Black and Black Americans alike. In asking, “Who is this really for?”, Representative King strove to disentangle the misleading narrative that the ESA policy would serve vulnerable populations when in legislative reality those populations were not prioritized through guardrails or required percentages as other legislation does. Despite this, pro-school choice advocates repeatedly used liberal sounding rhetoric when making their case for the ESA program.

CRT TENET 4: THE IMPORTANCE OF STORYTELLING

Usually, the fourth tenet recenters the lived experiences of marginalized peoples through storytelling and counter-storytelling as a means towards emancipation (Miller et al., 2020). In this discourse ecology, many of the stories shared were by pro-school choice advocates and often included threads of white supremacist ideologies. While emotional appeals were used in the discourse by advocates across the spectrum of this debate, a recurrent nostalgic constituent profile and stories of vulnerable circumstances were particularly present in the pro-school choice discourse. From Governor Abbott’s depiction of himself as a child learning “the basics” in school to Representative Harrison’s story of an overworked single mother without any options for a “quality” education for her children, pro-school choice advocates repeatedly used the power of storytelling to raise alarms about what they describe as the “woke agenda” being forced on kids in today’s public schools in Texas. The third theme, “Parents deserve Education Freedom”: Forced Integration becomes Forced Indoctrination, details how these Texas

policymakers and advocates use storytelling to convince stakeholders to support their ESA program in order to avoid the so-called liberal indoctrination they claim is taking place in schools. Among the vast amounts of articles, press releases, speeches, interviews, and testimony, included this study, the pro-school choice stories delivered a consistent message: school choice is free enterprise is freedom is anti-woke is white supremacy.

CRT TENET 5: WHITENESS AS PROPERTY

Possibly the most clearly articulated in this study is the concept that whiteness has been intimately tied to property and repeatedly reified through the U.S. legal system and its corresponding social institutions (Harris, 1993). The exercise of whiteness as property can be seen in the policy itself. By providing a pathway to remove enrolled students from public schools, and thus divert public funds from public schools to private schools or other educational resources, this ESA program, and other school choice options like it, redirect the rights to property to be maintained by the white and wealthy. Furthermore, the state's racialized residential geography provides disproportionate access to private education options to white wealthy Texans in urban settings. The adoption of the ESA program as written in HB 1 would perpetuate white dominance in access to high quality education institutions and services.

While many people contributed to the discourse promoting this policy, Governor Abbott, from his seat in the highest political office in Texas, drove the campaign. When his ESA program was initially voted down, he called legislators back for session after session until he reached a 4th Special Session, which is unprecedented in a regular session year. It should be noted that special sessions are meant for "extraordinary" circumstances, and most would not consider the desire to use public funds for private education a qualifying circumstance. This questionable use of power indicates a sense of unfettered domination perpetuating a construction of whiteness that legitimizes white claims to property and economic hegemony through legislation (Harris, 1993). As shown in the third theme, the discourse supporting the ESA legislation and denouncing liberal indoctrination indicates that if the culture and curriculum in public schools questions white supremacist ideals, then the hegemony will exercise their assumed right to property and pursue ways to dispossess historically marginalized groups and those who believe in critical theories in the education system.

Implications for Policy, Practice, and Future Research

As emerged in the policy discourse, Texans have immense pride in their state, and what's clear from this study, in their local communities. White male Republican representatives like Representative John Raney, Representative Ken King, and Representative Drew Darby withstood an incredible onslaught of political badgering and criticism (Svitek, 2024) in order to uphold what Raney described as their "constitutional and moral duty to educate and protect the children of Texas" (4th Special Session, November 17, 2023). Representative King declared his willingness to fight in the statement, "The Governor likes to threaten special sessions, well my opinion of that is I stand ready" (Lopez, 2023). When pressured, Raney repeated the familiar call to "vote your district", reminding others of their purpose to represent the interests of the people who voted for them rather than to yield to the demands of a higher political office. As Hood III and McKee (2022) demonstrate in their book, *Rural Republican Realignment in the Modern South: The Untold Story*, voting behavior shows that white people living in rural regions of the American South have historically been loyal Democrats and this transformation to stalwart supporters of the Grand Old Party is a more recent, modern phenomena. Those foundational ideologies seem to be reemerging through the school choice discourse and political action which suggests a potential return to the progressive ideals of the Democratic party, at least in this policy arena.

Understanding how this specific stakeholder group, white male Republicans in Texas, made sense of the underlying racialized ideologies of school choice policies and ultimately voted against the ESA program complicates earlier critiques of school choice by showing how converging interests, such as residential geography, influence policy enactment. This finding shows that anti-racism may not always be the guiding ideology for policy actors to vote against a school choice policy, but rather the protection of their white, low-income, rural community motivated the ultimate hinderance of a school policy that would disproportionately harm non-white Texans. While this study focused on the role of race and racism, future research should adopt a more intersectional lens and highlight the influence of gender, specifically the complexities of patriarchal ideologies since the many of the stakeholders in this discourse are gendered as men. An investigation highlighting the intersection of white men in positions of power as an elected official would further illuminate the ways identities, beliefs, and structural inequality influence school choice policymaking.

As states continue to debate, reject, and adopt school choice policies, avenues for further research abound. While this study highlighted the discourse ecology on school choice policy in one state, a comparative study where a school choice policy was also defeated in one or more other states in both similar or diverse regions of the country could further confirm and add nuance to the understanding of the racialized, gendered, and economic ideologies undergirding these debates. As Texas enters its next legislative session a study that also reports on the financial investment of both advocates and opponents of the school choice legislation would provide an important insight into how money is being leveraged to attain these policy priorities in concert with the ideas discussed. While significant research exists on the influence of money in politics generally speaking, little is known about how lobbying investments connect to the eventual financial gains of wealthy donors in the school choice arena. The school choice literature would benefit from more CDA studies as well as mixed methods research to investigate past and future decision making processes as paired with the policy outcomes.

With the future of public education as a public good at stake, deep analysis and attention to these types of polarizing policy discourses are critical. As this study showed, the discourse ecology can include intentionally misleading narratives and obscured claims of beneficiaries which can confuse even the most politically engaged. As Mast (2023) from the Economic Policy Institute asserts, policies like Texas' ESA program are part of an "enduring campaign to defund and then privatize public education" as well as manufacture "mistrust in public schools [by] targeting educators and their unions". Although pro-school choice advocates in Texas perpetuated powerful stories about woke agendas and the potential of education freedom, the tenacious advocacy of public school defenders coupled with Texan loyalty to their local constituents withstood these pressures and continued to support the greater good regarding school funding policy during the 88th legislative session.

To preserve the integrity of public schools while also addressing concerns about school quality and parent dissatisfaction, a significantly larger financial investment in the public school system at both the state and federal levels is imperative. School finance scholars estimate that current allocations consistently fall short of the estimated budgetary need (Baker, 2018), and these funding gaps are disproportionately wide in school communities with predominately Black and Brown students (Morgan & Amerikaner, 2018). However, since the powerful school choice lobby currently dominates K-12 school funding politics, some advocates have adapted their argument suggesting that the voucher or ESA dollar amount should be attached and responsive to the public school per-pupil allocation. Intended as a guardrail to curb school choice spending and to protect public school budgets, Texas House legislators have proposed that ESA users would receive 85% of the amount allocated for a public school student, rather than a fixed dollar amount (Edison et al., 2025). Since many state voucher programs provide an amount equal to the per-pupil funding allocation, this proposal for less funding is a notable divergence from existing policies. With all eyes on Texas, the developments and eventual outcome of these school choice policy debates holds significant weight for the future of public school funding nationwide. This creative policy proposition currently under debate in Texas' 89th legislative session, along with its additional elements prioritizing students with disabilities and students from low-income households, may be the lifeline needed to save the Texas public school system, and possibly, the nation.

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