



POLICY BRIEF

Pluralism in American School Systems

January 2018 • Principal Author: Dr. Ashley Berner

This memo¹ provides chiefs and other education policymakers with a clear framework for navigating the diversification of public education that is research-based, informed by the field, and oriented towards a middle path between individual choice and the common good.

Background

Educational pluralism is a structure for school systems in which the government funds and regulates, but does not always operate, elementary and secondary schools.

Most democratic school systems are pluralistic. The Netherlands, Sweden, Denmark, the UK, Hong Kong, Israel, most of Canada's provinces, Australia, and France — to name a few — support a wide variety of schools that are pedagogically, philosophically, and religiously diverse. These countries also hold funded schools accountable for academic results, in some cases requiring that schools follow a provincial or national curriculum and that students take rigorous exit exams. This does not mean that education is seen as a purely private endeavor. Rather, pluralism assumes that government funding and oversight for quality go hand-in-hand and, taken together, honor both individual belief and the common good.

¹This policy brief was informed by a round-table discussion with national experts held in Washington, D.C., on November 3, 2017. The Institute is grateful to Chiefs for Change and to Bob Luddy, CEO of CaptiveAire, for their generous support of the gathering and of this report.

School systems in the United States used to be plural, too, funding Catholic, Congregationalist and de-facto Jewish schools along side of nonsectarian “common schools” until the end of the 19th century, when several factors converged to create the impetus for uniform, district schools — including anti-immigrant (and anti-Catholic) political movements (Charles Leslie Glenn 1988), (Hamburger 2002), local control, and the professionalization of teachers (Charles Leslie Glenn 2012).² The uniform district model became the norm until, in the last several decades, some forty state legislatures have approved diverse options that include charters, tax credits, vouchers, and education savings accounts, thus beginning to approximate a norm we used to embrace and which many democracies simply take for granted.³ The process has been geographically uneven and politically fraught, and research suggests that the success of diversifying educational delivery depends upon the strength of the policies governing those school systems.

Why not just say “school choice” and have done with it? Because school choice is necessary but insufficient. It does no good to offer students choices between low-quality schools, or to design scholarship programs that further disadvantage the already-disadvantaged. National membership organization Chiefs for Change puts it this way: “Meaningful choice systems are dependent on an assurance of quality, equitable access, and equitable funding” (Chiefs for Change 2017a). For libertarians, of course, the most important accountability is parents’ decision to enroll their child in a given school. In our judgment, the laissez-faire approach does not bear up under research and fails to incorporate the common purpose inherent in public education. Well-crafted means of ensuring academic quality, whether in the form of tough charter authorizing, benchmarked assessments, or school-based inspections, benefit students and reflect the public purpose of democratic education (E. A. Hanushek and Raymond 2005), (Jerald 2012).

But which mechanisms are the most effective in ensuring academic quality? When do regulations deter the creation or participation of new, high-quality schools? How can states create the accountability structures that lead to continuous improvement across all school sectors? What are the practical problems that inhere in a diverse delivery model — such as transportation, common enrollment, and pensions? Finally, which political levers can increase access to high-quality schools — whether charter, district, or private — across the country? This memo is designed to help policymakers navigate educational diversity and public responsibility with research-based guidance.

The Common Good and Public Responsibility

The principle justification for funding public education remains the academic and civic formation of the next generation. The same justification supports a public role in evaluating the schools that are thereby funded.

Why should taxpayers support the education of other people’s children? Since the late-18th and early-19th centuries, democratic governments have given two answers: to form democratic citizens

² Also at play were the drive for bureaucratic industrialization, particularly in the urban centers (Tyack 1974) and, some argue, the reassertion of Whites in the Reconstruction-era South (Anderson 1988).

³ The history of educational pluralism and uniformity is complex, and there is substantial variation in outcomes. For more details on educational pluralism, see (Berner 2017a). For a lit review of current research on pluralism and on school-choice programs, see (Berner 2017b).

and to provide the academic and social capacities necessary for productive adulthood.⁴ Put differently, democratic taxpayers support the education of other people’s children, because these children’s life outcomes (including workforce participation and social wellbeing) and political involvement (such as understanding democratic institutions, analyzing legislation, and voting) shape the future of our democracy. In such terms, our neighbors’ children matter to all of us.

Then-Governor Thomas Jefferson made the same argument in 1779 when he proposed a Bill for the More General Diffusion of Knowledge. Publicly funded education, he explained, would

...illuminate, as far as practicable, the minds of the people at large...that...they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes;’ and, on the other hand, to see to it ‘that those persons, whom nature hath endowed with genius and virtue, should be rendered by liberal education worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens, and that they should be called to that charge without regard to wealth, birth, or other accidental condition or circumstances (Jefferson 1779).

Jefferson was quite specific in what he meant by a democratic education, which would include deep knowledge of history, politics, English literature, mathematics, and science, and would build the capacities of skillful writing and public oratory (McDonnell 2000).⁵

While the ideal of a common intellectual framework for all students remains a matter of dispute amongst education policymakers and practitioners, the fact remains that at no time in America’s educational history have we decided that education is merely a private good. In fact, the opposite has been true. As but one example, in 1954, the Supreme Court reflected these themes when it declared de jure segregation to be unconstitutional in *Brown v. Board of Education*:

Education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship [and] the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment (Oliver Brown, Mrs. Richard Lawton, Mrs. Sadie Emmanuel, et al. v. Board of Education of Topeka 1954).

The Court’s assumption was the same as Jefferson’s: public education exists to create equal access to academic preparation and citizenship training — a view echoed by the Council on Foreign Relations as recently as 2012. “Without a wide base of educated and capable citizens,” wrote the report’s authors, “[Our] strengths will fade, and the United States will lose its leading standing in the world.” While not everyone agrees that American education is in such dire

⁴ These aims have held over time, despite significant changes in how we understand citizenship, vocation, and equal access to both. Only white, property-owning males could be “citizens” in the early republic, and expectations about what counts as “productive adult lives” have changed substantially over time. For an example from the UK, see J.A. Roebuck’s speech before Parliament in 1833 (Roebuck 1833).

⁵ Benjamin Franklin, Benjamin Rush, and George Washington agreed with the intellectual scope Jefferson set out. The academic content of American education held to this liberal-arts view until the early 20th century, when progressive educators argued successfully that K-12 education should focus on skills rather than on knowledge – a legacy that continues in many forms today (Ravitch 2001), (Hirsch 2009). Successful schools and school systems across the country are pushing back against this heritage with higher standards and, in some cases, more rigorous academic content (Chiefs for Change 2017b).

shape,⁶ it is hard to imagine a leader from Left or from Right who would disagree that “[t]he United States cannot be two countries--one educated and one not, one employable and one not.” (Council on Foreign Relations. Independent Task Force et al. 2012).

Our conclusion: the common good requires not only public funding for education, but also public assurance of its quality. This holds whether a uniform or a pluralistic structure delivers education.

Assurances of Quality in Pluralistic Systems

Pluralistic systems usually adopt more demanding accountability systems than those in the United States. Some of their policies may be transferable.

As scholars have described in detail elsewhere, most democracies create flexible and diverse school systems. This means government funding for schools with distinctive missions, whether socialist, Catholic, Montessori, or nonsectarian (Charles Leslie Glenn, Groof, and Candal 2012). In return for funding,⁷ pluralistic systems set conditions that outpace those upon both traditional district schools and also scholarship programs in the United States.⁸ They include:

National Curriculum and Exams

The most common condition for funding is adherence to a national (or provincial) curriculum. The nations which require this include Australia, Bosnia, England, Finland, France, Georgia, Hungary, Iceland, Ireland, India, Luxembourg, Singapore and South Africa — to name a few. Some countries also require funded schools to administer national or provincial exams that reflect the curriculum.⁹ Such an arrangement enables what Charles Glenn describes as the distinction between instruction and education, in which “instruction” refers to the universal prescription of specific knowledge and skills, “education” to the moral formation and context in which instruction occurs (Charles L. Glenn 2017).

Countries are often flexible on this issue. The Netherlands allows each funded school to provide an equivalent, but not necessarily identical, curriculum. Austria does the same. France sets the national curriculum but permits individual schools to select their own textbooks and

⁶ See, for instance, (Berliner, Glass, and & Associates 2014).

⁷ Pluralistic systems fund schools through different means. For example, Estonia funds state and private schools at the same rate. Denmark, Norway, Luxembourg, and Italy provide 75% - 90% of the total funding for non-state schools. Israel’s state-operated schools can be religious, secular, Arab-language, or Hebrew-language, but any private school that implements 75% of the core curriculum is fully funded. The Netherlands gives block grants for staff, facilities and operations. Six of Canada’s 13 educational jurisdictions permit direct per-pupil funding to non-state schools at 35-70% of the calculated state cost at state schools; Romania and Sweden also allocate per-pupil funding that follows students to their school of choice. In the United States, constitutional restrictions render block grants untenable (deGroof, Glenn, and Candal 2012). Per-pupil funding, however, is customary in charter-school, voucher, tax credit, and ESA programs – albeit in the latter categories, channeled through the parents rather than through the district.

⁸ In addition to the requirements that are common to all schools such as safe facilities and professionally trained staff.

⁹ Local necessity can mean flexibility with this requirement. For instance, Indonesia, a secular nation with a majority-Muslim population, supports non-sectarian, Catholic, and Protestant schools, all of which follow the entire national curriculum. Indonesia also funds Islamic schools, which are only required to follow 70 percent of the national curriculum but may spend the remaining 30 percent of the schedule on religious studies.

pedagogy to accomplish it. Israel allows its Arab-language schools to modify the national curriculum in consultation with governmental advisors.¹⁰

Given the United States' ambivalence about a prescribed academic curriculum and our preference for local control, this accountability measure is unlikely to succeed here. However, states can follow the lead of Massachusetts, which from a benchmark Act (1993), set in motion strong curricular frameworks for K-12 that back-mapped from freshman-level college courses; established new, rigorous K-12 assessments; changed teacher certification to reflect deeper mastery of subject-matter; and specified that professional development focus on subject-matter, too (Roselli 2005), (Reed 1998), (Stotsky 2015). Many states are also learning from Louisiana, which is incentivizing high-quality instructional materials and professional development, while making such resources available for all school sectors (Kaufman, Thompson, and Opfer 2016). Other measures could be supporting a new generation of curricula and assessments that prioritize domain knowledge (Steiner 2014), and requiring that all schools make their curricula public, as the United Kingdom does (Department for Education n/d).

School Inspections

Most OECD countries (including Australia, the Flemish Community of Belgium, the Czech Republic, United Kingdom, France, Germany, Greece, Iceland, Ireland, Korea, Luxembourg, Mexico, the Netherlands, Portugal, Spain, Sweden, Switzerland, and Turkey) ascertain school quality by requiring automatic school inspections for both improvement and accountability purposes (Faubert 2009). Critically, the inspectors are independent from school structures. They are highly trained in the use of student- and school-level data. Their site visits include not only a review of demographic and assessment data but also interviews, surveys, and classroom observations to generate school reports on several dozen important indicators. Research suggests that the inspections exercise an indirect, positive effect upon student achievement (M. C. M. Ehren et al. 2013), (M. Ehren, Perryman, and Shackleton 2015).

Independent school inspections¹¹ are viable in the United States, although they are expensive and require significant experience and training for inspectors. At their best, they provide multiple measures of school quality and offer considerable nuance beyond merely a snapshot view of student test scores. When coupled with consequences, inspections provide a powerful mechanism for school improvement (Berner 2017c).

Additional Criteria

Some countries couple funding with representation on a school's governing body. In Northern Ireland, for instance, the government funds Catholic schools at 100% in exchange for a presence on the Board of Governors. Catholic schools that resist opening their boards receive only 85% funding (Dunn 1990).

¹⁰ For more detail, see (deGroof, Glenn, and Candal 2012).

¹¹ Inspections in OECD countries occur in all schools, regardless of their performance, not initiated by school leaders as a consequence of poor academic results (although poorly-performing schools receive additional site visits to ensure compliance with the recommended changes).

In other countries, the conditions for funding reflect recent history. For example, Azerbaijan's educational policies in the post-Soviet era aim to rejuvenate cultural pride and to protect against religious extremism. Thus, 80% of the staff at all schools (whether funded by the government or not) must be Azerbaijani. Indonesia bans atheist and communist ideology in its funded and non-funded schools, an educational priority since a 1968 communist coup in which thousands of citizens died. Estonia, in recovering from decades of Soviet rule, funds Russian-language schools but requires 60% of instruction to be in the Estonian tongue (deGroof, Glenn, and Candal 2012).

In sum, educationally plural countries attempt to balance the school's right to maintain its distinctive ethos with the government's responsibility to ensure academic and civic standards across all school sectors. In the United States, school-quality follows from accountability and equitable access.

Academic and Civic Results of Pluralism

Pluralistic systems often yield strong academic and civic results for well-off and disadvantaged students alike.

Research on the outcomes of pluralistic school systems is not straightforward. School systems and schools are complex; the composition of the teaching force and its preparation differ; the policies, histories, economies, and demography of different countries vary appreciably and bear strongly upon student outcomes. Here, we summarize in very general terms the literature on academic and civic outcomes from uniform vs. pluralistic school systems.

Uniform vs. Pluralistic School Systems

Pluralistic school systems often work to benefit students.

Very few studies have been designed to explore whether the structure of pluralism or uniformity exercises an independent effect upon student outcomes. It is thus not possible to pronounce conclusively that either a uniform or a pluralistic school system is inherently better for students' success; there are simply too many factors involved. International assessments do suggest a general conclusion: pluralistic systems often benefit students academically and civically. On the 2015 PISA results, for instance, both ends of the performance spectrum include plural and uniform systems (OECD 2016). More fine-grained analyses of the 2012 PISA results also illustrate that high levels of achievement and equity are frequent in pluralistic systems. Here are two examples:

- **Hanushek, Peterson, & Woessmann.** In their 2014 study, this team used parental education as a proxy for general socioeconomic standing. They then compared students from low-, middle-, and upper-class standing in different countries to one another. The results show that plural systems often produce top results. On math scores, for instance, seven of the 10 countries with the highest scores among students from the most disadvantaged homes have plural systems. Seven of the 10 countries with the highest scores among students whose parents have had a moderate level of education have plural systems. Seven of

the 10 countries with the highest scores among students from educationally elite homes have plural systems (E. Hanushek, Peterson, and Woessman 2014). This analysis also indicates that some countries with uniform school systems, such as Japan and Korea, score at the top of the PISA charts and hold their advantage across all socioeconomic levels. We can draw a modest conclusion from this study: many countries with plural education systems are academically successful, not only for the wealthiest students but also for the most disadvantaged.

- **OECD on Excellence and Equity (2013).** The OECD examined the 2012 PISA data by asking which countries provide a high-quality academic education for all of their students, regardless of gender, family background, or socioeconomic status.¹² Findings:
 - **Neither Uniform Nor Plural Systems are Superior.** On the one hand, numerous plural systems (such as Australia, Canada, Finland, Hong Kong-China, Liechtenstein, and the Netherlands) are above average on both excellence and equity. On the other hand, some plural systems (such as Chile, Israel, and Luxembourg) are below average on excellence and equity. The United States hovers just below the average on both measures.
 - **Pluralistic Systems Often Serve Immigrant Students Well.**
 - **Canada, New Zealand, Australia.** A full 21% of K–12 students in the United States are immigrants, but so are 29% in Canada, 26% in New Zealand, and 23% in Australia. All three of these pluralistic countries outperform us, but they prioritize highly-skilled immigrants, not family members — as ours does — so the comparison is not exact.
 - **Switzerland, Lichtenstein, Hong Kong, Luxembourg.** These countries also have higher percentages of immigrant students (24%, 33%, 35%, and 46%, respectively) than the United States does (21%), and like us, they accept immigrants without discriminating by profession. Singapore is not far behind (18%). None of these countries sacrifices strong academic outcomes or equity. All of them have plural educational systems (OECD 2013).

In broad brush, then, pluralistic systems are shown to be capable of both excellence and equity. But what about citizenship formation? We may wonder whether the center can hold in the Netherlands, with its 36 different school types, or in Alberta, which now includes Inuit and homeschooling in its mosaic of funded options.

The International Association for the Evaluation of Educational Achievement (IEA) assesses the civic knowledge and civic attachment of adolescents in its member countries (it also administers TIMSS). In 2009¹³, the IEA surveyed 140,000 eighth-grade students and 62,000

¹² The authors created an index of socioeconomic standing that includes “indicators such as parental education and occupation, the number and type of home possessions that are considered proxies for wealth, and the educational resources available at home,” as well as immigration status and native language capability. They then mapped the PISA results onto two axes: one for excellence, the other for equity.

¹³ The IEA’s 2016 survey is underway (ICCS n/a).

teachers and principals in more than 5,000 schools in 38 countries — the largest such survey ever conducted.¹⁴ Which findings emerged?¹⁵

- **Civic Knowledge.** Students from educationally plural countries do well on civic knowledge: 6 of the top-scoring 10 countries have plural systems. The IEA's analysis takes into account the variations in policy environment, recent history, curricula, demographic composition, and economic standing of each country.
- **Civic Attachment and Participation.** There are no discernible differences between uniform and plural systems when it comes to students' attitudes toward equal rights for men and women, ethnic and racial minorities, and immigrants; their trust in civic institutions; or their interest in political issues (Schulz et al. 2010).

However, none of the above research projects had been designed to explore an independent effect of pluralism or uniformity. Targeted research does find that an ecosystem of diverse schools seems to have a positive effect upon all schools. For example:

International Examples

- **Sweden.** Sweden allowed municipalities to pluralize through a per-capita funding mechanism in 1992. In some districts, as many as 45% of the students attend non-public schools. Twenty years on, these reforms seem to have boosted the performance schools of all types on national exams taken by all students at the conclusion of 9th grade within a heavily plural district. The statistically significant positive results were not evidence until ten years after the reforms, which the authors attribute to the rising number of private (but funded) schools that followed the reforms (Böhlmark and Lindahl 2012).¹⁶ A separate analysis of the effects of this reform on national exams results, taken by all students at the conclusion of 9th grade, showed small positive effects on all students' scores (Wondratschek, Edmark, and Frölich 2013).
- **The Netherlands.** In the Netherlands, “the educational performance [on national exams] of all schools is enhanced in areas where they coexist in a ‘balance of power’ and no single type of school dominates the others” (Dijkstra, Dronkers, and Karsten 2004).

United States

There are no truly plural school systems in the United States. However, there are states and districts in which we see the effects of a broad ecosystem of options.

- **Florida.** The state has enabled more students to attend charters and private-schools than

¹⁴The United States participated in the 1999, but not in the 2008-09, study. Neither did Canada or Australia. The Netherlands, whose results would have been important, did not reach a statistically significant sample of students and thus was disqualified from the analysis.

¹⁵The research team examined civic knowledge by posing 79 questions, 73 of which were multiple-choice, and 6 of which were “constructed-response” that were coded by each country's research team. The survey explored civic society and systems, civic principles, civic participation, and civic identity. It assessed students' specific knowledge and capacity to reason with and from the knowledge. The results were scored on three levels indicating general to advanced understanding of the facts and theories of governance.

¹⁶Boehlmark and Lindahl evaluated the program's effect in relative terms using regional-level TIMSS data. Sweden's absolute academic proficiency has declined since the landmark changes of 1992. The issue is complicated by other, concurrent changes in Sweden's education policy, including the 1992 law which required progressive, student-directed learning in all schools.

any other state (Bush 2017) and holds all schools —district, charter, and funded private — to high standards. Some of its larger urban districts approximate what other countries would call pluralism. David Figlio analyzed the effects of Florida’s corporate tax credit program upon eligible, low-income students whose zoned, low-performing public schools were geographically proximate to a number of private-school options under the program’s parameters. The study found a positive academic effect upon the state test scores of students who left and students who stayed in the district schools. The study does not establish causation: its authors consider that the threat of losing Title I dollars, a landscape with numerous private-scholarship options, and the fact that students who left public schools had histories of lower performance on test scores, may have driven the positive effects for district students (D. Figlio and Hart 2014).¹⁷ However, his finding indicates that providing a spectrum of options for low-income students, in particular, can benefit all students.

- **Washington, D.C.** Research suggests that the cluster of structural interventions in Washington, D.C., creates an environment in which quality school options exist across the public, charter, and private sectors. Charter school enrollment increased 55% between 2005 and 2015 and currently enrolls 44.5% of all public school students.¹⁸ Approximately 7,000 students have participated in the District’s Opportunity Scholarship Program (2014), which provides low-income students with access to private schools (Passarella 2016).¹⁹ With common enrollment process for district and charter schools, strong teacher retention policies, and a DCPS emphasis on teaching and learning, the district is poised to accelerate student achievement. On the 2015 NAEP, Washington, D.C.’s students had the most rapid growth in fourth-grade reading in the country (Office of the State Superintendent of Education, n.d.).

Charters and Choice in the United States

Program design is everything. Charter schools and private-school scholarship programs can work for equity and excellence, if they are designed with high levels of transparency and accountability, equal access, and equitable funding.

Studies on the outcomes of district, charter, and private schools make it clear that no one school sector inherently benefits all students, and that outcomes depend upon each program’s design. Research on charters and private-school scholarship programs indicates that both can benefit students when structured to benefit primarily low-income students and when accompanied by rigorous accountability metrics.

Charters

Stanford’s Center for Research on Educational Outcomes (CREDO) performs highly regarded evaluations of charter-school vs. district-school performance. Its key findings are as follows:

- In its 2009 national study, CREDO found that, in the aggregate, 17% of charters produced

¹⁷ This research took place in an urban school district where the threat of Title I funding loss was real, and the number of possible private school placements large.

¹⁸ District of Columbia Public Charter School Board (Office of the State Superintendent of Education 2015).

¹⁹ The D.C. Opportunity Scholarship Program: (Chavous 2004). Students are at or below the poverty line.

superior results, 37% produced inferior results, and the remainder showed no effect over those produced by district schools (CREDO 2009). By 2013, the sector had grown and improved, and nationally and in the aggregate, charters produced academic gains over district schools of approximately 7 days of reading and math (CREDO 2013).

- Urban charters, which represent 56% of all charter-school students, give students 28 additional days of learning in ELA, 40 additional days in math, and even stronger gains for Black, Hispanic, low-income, and special education students. Some districts, such as Boston, Newark, and Memphis, “erase the learning gaps” between low- and middle-income students; others, such as Austin, Ft. Myers, and Las Vegas, produce negative impacts on learning (CREDO 2015).
- Charter management organizations produce stronger learning than do independent charter schools, and “some super-networks” such as Uncommon Schools and KIPP, produce particularly outsized academic benefits (CREDO 2017a).

Additional studies also find positive effects. For instance, Carolyn Hoxby’s studies of Chicago and New York found that their charters were closing the cities’ achievement gaps (Hoxby and Murarka 2009); Mathematica’s study of KIPP showed that KIPPSTERS began middle school with lower test scores than their matched peers but gained eleven months of learning across the three years of middle school (Tuttle et al. 2013). A recent study of Florida’s charter schools indicates that charter-school attendance improved students’ high-school graduation rates, college enrollment and persistence, and earnings by mid-twenties (Sass et al. 2016) — which confirms earlier findings on long-term outcomes (Booker et al. 2011). Additionally, a large body of quasi-experimental research — produced largely by economists — correlates charter schooling with student achievement.²⁰ Finally, the impact upon eligible students who remain in district schools is either neutral or positive, with a few rare exceptions (Zimmer et al. 2003). Taken together, the research record is strong and fairly specific as to state and even urban districts. The bottom line is that charter-school quality depends upon high levels of accountability and transparency and equitable funding (CREDO 2017b).

Private-School Scholarship Programs

Private-school scholarship programs are relatively new in the United States.²¹ The majority of the country’s 50 programs have been created in the last five years (Shakeel, Wolf, and Anderson 2016). In contrast to the research on charters, research on scholarships is modest and can examine only short-term effects. The effects of scaling up such programs in the United States

²⁰ (Bifulco and Ladd 2006), (Booker et al. 2007), (Davis and Raymond 2012), (E. A. Hanushek et al. 2007), (Sass 2006), (Zimmer et al. 2003), (Gleason et al. 2010), (Hoxby and Murarka 2009).

²¹ Education tax credits allow individuals or corporations to reduce their tax liabilities by giving a limited amount of money to state-approved scholarship funds for (mostly low-income) children to attend private schools. The credit may not be used to fund a school attended by the donor’s children. Tax credit money is not considered public, because it never goes through state treasuries. The Supreme Court ruled tax credits to be constitutional in 2011 (*Arizona v. Winn*). Vouchers are public school funds that parents may use to send their children to private schools. Most voucher programs are means-tested or school-tested—that is, only students whose families fall below a certain income level or who have attended “failing” schools are allowed to use them. The Supreme Court ruled that vouchers are constitutional from a federal perspective in 2002 (*Zelman v. Simmons-Harris*).

Education Savings Accounts provide state funds that enable eligible students to attend private schools. Arizona permits parents to use the funds, additionally, to purchase online courses and instructional materials and to save for higher education. The funds are delivered via restricted-use debit cards. ESAs have not been challenged in the highest court as of the time of writing.

are relatively unknown, although Florida comes the closest (Bush 2017). We have explored the research on private-school scholarship programs in depth elsewhere²² but provide a summary of the most robust findings below.

- **Positive Effects.** The majority of gold-standard studies find positive effects from private-school scholarship programs. Examples include:
 - **Milwaukee Parental Choice Program.** One randomized controlled study found statistically significant, positive effects in both reading and math scores on the Iowa Test of Basic Skills of elementary and middle school voucher-users, as compared to those who applied for vouchers and did not receive them and also to those who received vouchers but did not use them (Greene, Peterson, and Du 1999).²³
 - **New York School Choice Scholarships Foundation.** This privately funded program offered low-income students in grades 1-4 (or just entering kindergarten) scholarships to attend non-public schools for up to four years. Early analysis found a statistically significant, positive effect upon African American students' test scores (Myers et al. 2000), and a 2012 study found a statistically significant, positive effect upon African American students' college enrollment (M. M. Chingos et al. 2012).
 - **D.C. Opportunity Scholarship Program.** Voucher use had a statistically significant positive effect upon reading test scores (none in math) and a significant and very positive effect upon high-school graduation rates, which increased between 12% (over peers who were offered a scholarship and did not use it) and 21% (over peers who were eligible but did not apply) (P. J. Wolf et al. 2013).
 - **Florida Tax Credit Program.** An Urban Institute study (2017) found that participants in Florida's tax credit program enrolled in Florida's public colleges more frequently than their matched pairs by 6 percentage points (a 15% increase). Those who participated in the program for four years or more enrolled more frequently by 18 percentage points — a 43% increase over matched pairs (M. Chingos and Kuehn 2017).²⁴
- **Negative Effects.** Two programs produced negative effects on student achievement, although in the second, program maturity has brought steady improvements in performance.
 - **Ohio's Educational Choice Program.** A recent study found voucher use to have had an “unambiguously negative” effect of participation upon voucher users' state-test scores compared to students' scores who were eligible, but did not use, a voucher (D. Figlio and Karbownik 2016).
 - **The Louisiana Scholarship Program.** A randomized controlled study showed that voucher users lost approximately 34% of a standard deviation on the state's math tests (approx-

²² (Berner 2017b).

²³ The positive outcomes are striking because, as the authors note, they occurred during the sub-optimal early years of Milwaukee's program, during which time the program disallowed religious-school participation (i.e., 90% of private schools in the area) and thus unintentionally consigned voucher students to schools that were often fiscally and operationally constrained.

²⁴ Students who participated in the program for only one year (37% of participants) experienced no benefit in college-enrollment rates.

imately $\frac{3}{4}$ of learning in a given school year) after two years of attendance in their first-choice private school (Mills and Wolf 2016).²⁵ The third-year impact evaluation indicates that the program is improving and with it, students' test scores — even as some low-performing schools have been removed from the program (P. Wolf and Mills 2017).

Publicly funded scholarship programs in the United States are of recent origin. Their impact on test scores is uneven but largely positive and their impact on high-school-graduation and college-enrollment rates, very positive.²⁶ Our interpretation of the research suggests that, for scholarship programs to have positive effects, they should be designed to prioritize at-risk students first; include robust accountability measures including state- or nationally normed tests; enable high per-pupil funding; support the continuation of strong and distinctive school cultures. One example: in its first year of funding, Maryland's BOOST scholarship program likely failed to draw the lowest-income students into private schools. This was due to the gap between the scholarship amount and desirable schools' tuitions.

Principles of Design for All-sector Improvement

Taking the above research into consideration, how can policymakers support legislation that drives positive change in all school sectors — district, charter, and private? The following design principles apply to all schools except where noted as applicable exclusively to schools in private-school scholarship programs.²⁷

All Schools

- **High Levels of Accountability and Transparency.** The standards for evaluating district schools should be clear and consequential, the protocols for charter authorizing and renewal robust. Voucher and tax credit programs should require recipients to take nationally normed exams and/or state summative exams (Frendewey et al. 2016) and consider making results public, as Louisiana does (Cunningham 2013). As an additional measure, states could require all schools to make basic facts public, including their curricula, textbooks/materials, and academic outcomes.
- **Empower and Support Parents.** Numerous studies show that first-generation parents, in particular, navigate public- and private-school choices unevenly (Jochim et al. 2014), (DeArmond et al. 2015), (Stewart and Wolf 2014). Some European countries provide extensive information about the outcomes of various schools; others fund local parent advisors (Bishop 2010), (deGroof, Glenn, and Candal 2012). States may want to include funding for this role

²⁵ Superintendent of Louisiana, John White, points to state-test improvement in subsequent years as evidence of the program's longer-term positive impact: "Conventional metrics collected by the Louisiana Department of Education show that performance among the students in Louisiana's voucher program has considerably improved since the first year. The gap in basic proficiency on state tests between participating private schools and public schools statewide, for example, has closed from 27 percentage points in 2013 to 18 points in 2015. Were Louisiana's private school voucher program considered a school system for purposes of analysis, it would have ranked number 9 out of 71 districts across the state in 2015 for annual improvement in the district performance score system—inclusive of test score performance, graduation rates, and other outcome metrics—used by the state to gauge overall district performance" (Dreilinger 2015), (White 2016). It is also possible, however, that the gap between the cost of attending the highest-quality private schools and the dollar amount of the vouchers may preclude the participation of schools best placed to close achievement gaps.

²⁶ The research on school-sector effects is more robust than that on school-choice programs; it is largely positive.

²⁷ Where we have elaborated research findings in earlier sections, we omit citations.

and/or to partner with philanthropies that support first-generation families as they navigate a pluralistic environment. A good example is Families Empowered, currently in Houston and San Antonio (“Families Empowered: Services” n.d.).

- **Adequate Per-Pupil and Facilities Funding.**²⁸ In many places in the country, charter schools struggle for space and for dollars (Batdorf et al. 2014). Many voucher and tax credit programs under-fund scholarships, which means that low-income students cannot take advantage of them. In a nationally representative sample of participants in the Children’s Scholarship Fund,²⁹ for instance, only one third of the students who had been offered a scholarship, took it — because the parents of the other students could not afford the gap between the scholarship amount and the tuition (Howell et al. 2002). District schools, as well, can suffer under funding mechanisms that rely too much upon property values. States may be able to create “grand bargains” that address all of these concerns simultaneously. Illinois’ legislature just did so, rendering the public-school funding formulae more equitable and instituting a tax credit program for low- and middle-income students (Editors 2017).
- **Distinctive School Cultures.** Evidence from around the world suggests that studying within “distinctive educational communities in which pupils and teachers share a common ethos” vastly increases the odds of students’ acquiring academic and civic knowledge, skills, and sensibilities (P. J. Wolf and Macedo 2004). This applies to charter, private, and district schools (Bryk, Lee, and Holland 1993), (Chenoweth 2007), (Seider 2012). Policymakers can affirm distinctiveness by encouraging all schools to articulate the foundational principles that define them and creating tools that enable robust measures of school culture.³⁰

Private-School Scholarships

- **Eligibility That Prioritizes At-Risk Groups.** While universal school choice remains a goal for some education reformers in some states, means-testing insures that low-income and other disadvantaged students benefit first. A few examples:
 - **Arizona.** Arizona’s initial tax credit program (1997) benefited middle-income rather than low-income students, because the program did not restrict students’ eligibility (Wilson 2000), (Wilson 2002). Arizona’s subsequent corporate tax credit programs (2006 and 2009) are only accessible to low-income students, those with disabilities,

²⁸ The value of scholarship funding varies from \$5,000 in Louisiana to \$7,500 in Washington, D.C. to \$1900 in Maryland (Shakeel, Wolf, and Anderson 2016), (Mills and Wolf 2016), (P. J. Wolf et al. 2013).

²⁹ The Children’s Scholarship Fund is one of the nation’s largest private-scholarship programs for low-income students in grades K-8 (<http://www.scholarshipfund.org/about/history/>).

³⁰ There are examples from abroad of regulatory overreach. One area is in curriculum. As an example, for more than a hundred years, Quebec had allowed schools to modify the provincial curriculum in accordance with their ideals. In 2008, the government reversed this policy and required strict adherence to an Ethics and Religious Culture (ERC) course that reflected the government’s commitment to “normative pluralism.” In a departure for Quebec, the government did not allow dissenting schools to provide alternative courses that covered the same material. Several lawsuits ensued, the most famous of which, *Loyola High School and John Zucchi v. Michelle Courchesne and her Ministry*, ended up at the Canadian Supreme Court. In 2015, the Court sided with Loyola High School and ruled that Quebec had infringed the religious rights of the school. Dissenting schools were freed from the obligation to teach the course material from the government’s distinctive viewpoint. For details, see (Berner 2017a), chapter 6. Another area of concern for many private schools is in admissions criteria, which vary in pluralistic systems (Vickers 2011), (McCrudden 2011). Allowing funded schools to make admission contingent upon a family’s agreement with the school’s principles reflects common practice in pluralistic countries – even though most also have opt-out clauses for religious instruction. This approach also reinforces the key finding from research that a strong school culture supports student learning.

and those in foster care (Melendez 2009).³¹

- **Florida.** Florida’s corporate tax credit program is available only to students who qualify for free or reduced-price lunch and who attended a public school in the year prior. As mentioned above, the program boosts the test scores of urban, low-income students who leave public schools and also of those who remain in them (D. N. Figlio and Hart 2010), (D. Figlio and Hart 2014).
- **Avoid Proxies.** Other factors besides income may be proxies for middle-class standing, such as academic achievement and parental interviews as conditions for admission to participating schools. If policymakers have the goal of disrupting the socioeconomic status quo, they should consider disallowing such practices except in the case of exam schools that exist within a larger universe of options (Finn and Hockett 2012).
- **Enable High-Quality Private Schools to Scale Up.** In contrast to the charter-school legislative model, which is oriented towards the creation of strong schools, private-school scholarship legislation has focused on providing a lifeboat for low-income students who are trapped in failing schools. Scholarship programs have thus unwittingly filled empty seats rather than encouraged new ones. Several elements make attracting high-performing schools more likely:
 - **Pathway to Certification.** Indiana requires schools to have been accredited prior to receiving students — a significant barrier to entry. A remedy would be to enable a pre-accreditation period, with state monitoring in the interim, and with the clear possibility of disqualifying the school if it fails the process.
 - **Admissions Criteria.** States should allow participating schools to enroll only those students whose families agree to their mission and rules. Requiring completely open admissions may impede high-quality schools from participation.
 - **Long-Term Funding.** High-performing schools are not likely to scale up or enter a state where funding for scholarships is tenuous or annually renewable.

Additional Considerations

The diversification of educational delivery in the United States has brought with it not only predictable political conflicts but also constitutional, financial, and operational concerns.

Constitutional Issues

The federal constitution supports pluralism under specific circumstances; state constitutions can be more restrictive.

³¹ Whether private-school scholarship programs should benefit primarily low-income students, or rather both low- and middle-income students, is a matter of debate within education reform. Some organizations and advocates make the argument that middle-income families, whose incomes render them unable to pay for private school but ineligible for means-tested scholarships, shouldn’t be left out. While we agree that the end point of pluralism would be support for all families, support for low-income families can be easier to argue politically. This depends upon the state context. Illinois’ recent law authorizes funds for students whose families are at up to 300% of the federal poverty line, but with priority given to lowest-income families first.

- Federal jurisprudence has ruled against direct funding (or endorsement) for religious schools. It has also ruled against discriminating against religious schools when general funding is involved. Finally, federal jurisprudence endorses government funding for private — even religious — schools when the enabling law is secular in nature and when opting into private schools is the consequence of parental decisions rather than state preference. (As an example, see *Zelman v. Simmons-Harris*, 2002).
- State constitutions vary. The 19th-century Blaine amendments, included in some 30 state constitutions, prohibit direct or indirect funding for religious schools. Therefore, some states (such as Florida) cannot create voucher programs (R. D. Neily Komer 2016), (Garnett 2015). On the other hand, some states with Blaine amendments interpret them narrowly, as prohibiting aid to institutions but not prohibiting aid to families. Tax credits are constitutionally permissible in all states. ESAs have not been litigated in the federal courts as of writing (D. Komer 2017).
- Other legal mechanisms include federal disaster funding, which supports the re-building of private schools that have been damaged by hurricanes or other natural disasters.³² Moreover, a number of states have made specific amendments to their Blaine amendments so as to enable certain forms of aid to students such as transportation or textbooks. Finally, as constitutional lawyer Dick Komer notes, “Aid for security or technology is institutional aid that does not violate the federal constitution and is thus permissible in states with Blaine amendments that are interpreted as parallel to the federal Establishment Clause” (D. Komer 2017). States such as New York therefore provide security and technology support to a wide variety of school types.

Fiscal Effects

The long-term fiscal effect of diversifying delivery is likely to be negative for districts, but positive for states.

- **District Budgets.** The reduction in district budgets from state funding due to scholarship and charter programs is usually identical to the reduction due to students’ moving out of state or to another public school district. School districts retain all of the local and some of the federal funding, however, when enrollment drops from either cause (Lueken 2016).³³ A 2012 analysis estimates the impact of scholarship programs upon district finance by separating fixed costs,³⁴ which represent 36% of the average district budget, from variable costs,³⁵ which represent 64%. Using data from two large and two small districts, the study found that districts would not be penalized financially if dollar amounts that equaled less than the variable costs (i.e., up to 64% of the district budget) were allowed to follow students to charter or non-public schools (Scafidi 2012).³⁶ Eventually, however, high-choice states will re-

³² Federal disaster funding does not, however, apply to religious structures within private schools.

³³ Title I funding is meant to follow low-income students to non-public schools. The process for allocating such funding, however, is onerous, and very few schools have the administrative staff to negotiate with the district in this regard (Gordon 2017).

³⁴ The following are considered fixed costs: capital expenditures, interest, general administration, school administration, operations and maintenance, transportation, and other support services.

³⁵ The following are considered variable costs: teachers’ salaries, instructional costs, nonacademic student supports, instructional staff support, materials, and food service.

³⁶ Scafidi’s analysis was funded by the Milton & Rose Friedman Foundation, which has an ideological commitment to the school-choice movement. This is not to cast doubts upon the analysis but merely to illustrate the bias of its funders.

duce their allocations to districts, because the districts will have fewer students to educate.

- **State Budgets.** Most scholarship programs cap scholarship amounts at or below the state's allocated amount for students in the relevant subgroup, thus having in general a neutral to positive effect on state education budgets (Cunningham 2013). One fiscal analysis (2007) concluded, "Every existing school choice program is at least fiscally neutral, and most produce a substantial savings" (Aud 2007). As an example, the Florida legislature's Office of Program Policy Analysis and Government Accountability found a net savings from the state's Opportunity Tax Credit Scholarship Program: "We estimate that in Fiscal Year 2007-08, taxpayers saved \$1.49 in state education funding for every dollar loss in corporate income tax revenue due to credits for scholarship contributions. Expanding the cap on tax credits would produce additional savings if there is sufficient demand for the scholarships" (Office of Program Policy Analysis & Government Accountability 2008).³⁷

Federal Law

Federal education law has always included provisions for non-public schools and requirements that apply to all schools in regard to special populations.

- ESSA has strengthened the role of non-public schools in specific ways, requiring: the creation of a state-level ombudsman position to monitor and enforce the administration of ESSA's equitable services provisions for private school students and teachers; the requirement that an equitable proportion of Title I funding be calculated before excluding funds for certain expenditures; and the requirements that Title II funds would be distributed to private schools out of the entire Title II-A funding, rather than just funds for professional development.
- Titles I and III of the Americans with Disabilities Act (1990, amended 2008) apply to private schools, whether or not they receive federal funds (Watson, Jenab, and Wilson 2011); the Individuals with Disabilities Education Act (1975, amended 2004) and Section 504 of the Rehabilitation Act of 1973 apply to private schools only when they receive federal funds. In private-school scholarship programs, districts are required to provide proportionate spending for students with disabilities who attend parentally-placed private schools with federal dollars, but the process of identifying, supporting, and re-evaluating students with special needs is different in the district and in the private sector.

Transportation Systems

Some cities, such as New York and Chicago, have coherent transportation systems that enable families to navigate. Others, such as Baltimore and Atlanta, do not. This is an equity issue: lower-resourced families possess, but cannot exercise, the right to choose their children's school. Indeed, Denver is one of the few high-choice cities that has begun to tackle the problem (Siegel-Stechler 2017). Policymakers could play an important role in convening transportation officials, and education leaders from across the different school sectors, philanthropies and leaders from the business community, to fund and support innovative solutions.

³⁷ Additional audits from the Milton & Rose Friedman Foundation show substantial cost savings (Spalding 2014), (Lueken 2016). As was Aud's, these reviews were commissioned by a think tank with an ideological commitment to the school-choice movement.

Messaging

Many states and districts have moved towards diverse, accountable school systems that begin to approximate the pluralism that other democracies enjoy. This has not been without political conflict. In Washington, D.C., for instance, the charter sector is thriving but the tiny, and successful, Opportunity Scholarship Fund fights repeatedly for its survival. Denver enjoys collaboration between district and charter schools, but this “détente” was hard won (Doyle, Holly, and Hassel 2015). In vast tracts of the country, such debates have not even started. Indeed, one is hard pressed to think of a district outside of New Orleans, and a state outside of Vermont, in which pluralism is not still required to defend and justify itself against the district-school norm. The current Administration’s support for a federal tax credit and other initiatives such as “backpacking” Title II dollars has made it more difficult to use the term “school choice.” How can policymakers communicate about pluralism effectively in this environment?

- **Terminology.**
 - “Choice” and “competition” are useful in some, but not all, contexts. The language of the market resonates but can also minimize the common purposes inherent in public education. And although research endorses the academic benefits that follow from a rich ecosystem of schools, it is unclear that competition per se is the mechanism that yields this end.
 - “Public assurance of quality” emphasizes the common good positively, in contrast to the often-negative connotations of “accountability.”
- **The Equity Argument.** “Choice” already exists in abundance — for those who have the resources to move to a different school district or pay for private schools. Enabling low-income families to find the best school for their children, while ensuring that those schools are of the highest-possible quality, evens the playing field.
- **Appeal to Teachers.** Many educators will find a pluralistic system professionally attractive. Funding an increasingly diverse spectrum of schools will likely generate innovative working environments and strong school cultures that mirror teachers’ individual commitments and pedagogical styles.
- **Use History and International Examples.** Many Americans simply do not know that our states used to support diverse schools, or that pluralism is the democratic norm around the world. Simply because we have equated “public education” with the district model for a hundred years, does not mean that we should continue doing so.
- **Emphasize Collaboration.** One of the most unfortunate consequences of the 19th-century uniform-school model is the competitive environment it creates for other players; charters and private-school scholarship programs have to legitimate their existence on the basis of superior test scores. Pluralistic systems, by contrast, need not diminish any particular school sector; they focus, rather, on improving each individual school. Policymakers can play a role in changing the conversation to one of respect rather than dismissal.

Education policymakers face a landscape that has changed appreciably in the last twenty-five years. Their work now includes not only federal accountability standards, but also state laws that enable charter schools and private-school scholarship programs. In this changing context, commissioners and superintendents have the opportunity to implement strategies that have benefited students in pluralistic systems around the world and to enable collaboration rather than competition between the different school sectors.

About

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