

## School Choice Down in the Cave

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The expansion of school choice is often advocated on the grounds that it promises to equalize opportunity for parents to choose schools in accordance with their interests and values (the standard example is equalizing the opportunity of poor parents by permitting them to choose schools outside their neighborhoods). As I understand Stacy Smith, she endorses this general rationale and would extend it to also include equalizing the opportunity for parents to choose schools in accordance with their religious values in particular. An important part of Smith's motivation is to remedy problematic aspects of the application of principle of the separation of church and state to public schooling that resulted from the *Pierce* and *Lemon* decisions.

Smith provides a well-developed and articulate analysis of how school choice might be extended to include religiously motivated parents within reasonable interpretations of the current law, and her proposal merits serious attention. Nonetheless, I find several general problems with it.

First, Smith seems to be caught on the horns (maybe just the nubs) of the following dilemma. If charter schools (the type of school choice she advocates) are permitted to be *thickly* religiously affiliated, to what principles are those that reject the principle of non-discrimination to be held? Consider religiously affiliated charter schools that reject tolerance toward different sexual orientations. Preventing them from engaging in moral education that teaches the evils they believe are associated with various sexual behaviors would be required by proper public accountability (public accountability is one of the necessary ingredients of defensible school choice policies, according to Smith). But this requirement runs counter to the very religious beliefs that motivate the creation of such religiously affiliated charter schools in the first place. If, on the other hand, charter schools are only permitted to be *thinly* religiously affiliated—only permitted to incorporate religiosity to the extent required to eliminate public schools' hostility (versus neutrality) toward religion—then it is not obvious why charter schools should be the preferred solution to *this* problem. Why not follow Nel Noddings's suggestion to incorporate a much more comprehensive and respectful treatment of religion into the curriculum of all public schools?<sup>1</sup> Noddings's suggestion has the advantage of promoting religious tolerance and understanding across many more schools.

Second, further problems emerge when we consider Smith's proposal in light of the current education policy context—when we move, as it were, from the sunlight into the cave.

Down in the cave there is a major competitor to Smith's equal opportunity rationale for school choice, namely, the market rationale. The market rationale is the oldest of the two, having originated with Milton Friedman's voucher proposal in the early 1960s.<sup>2</sup> (Coons and Sugarman originated the equal opportunity rationale some

years later.<sup>3</sup>) According to the market rationale, school choice improves public schools overall by injecting market competition into the system, especially when combined with accountability systems that purportedly provide information needed for parents (in the form of school report cards, for example) to effectively exercise choice.

The market rationale began gaining momentum in the Reagan Era. With the recent reauthorization of the Elementary and Secondary Education Act (the so-called “No Child Left Behind Act of 2001”) the market rationale has become a central feature of formal federal policy. The long-standing influence and ultimate triumph of the market rationale is an important feature of the education policy arena to which Smith, arguably, has paid too little heed. And it has yielded concrete policies and outcomes different from those she suggests.

Smith considers two forms of school choice, vouchers and charter schools. She rejects vouchers on the grounds that they do not provide adequate public accountability. But she is favorably disposed toward them initially, claiming that they provide “poor families with educational choices previously restricted to parents able to afford private school tuition.” This claim is true only within a rather restricted range. Milwaukee’s voucher program, the most long-lived and celebrated, restricts the choices open to parents to schools willing to accept the relatively meager voucher (approximately five thousand five hundred dollars).<sup>4</sup> In general, vouchers cover only a fraction of the cost of private education, particularly in more expensive schools. Moreover, vouchers can have a harmful effect on the public education system as a whole. In Cleveland’s voucher system, for example, which includes religiously affiliated schools, eighty percent of the funding that has been depleted from the public school system has gone to students who were already enrolled in private religiously affiliated schools or who were new to the school district.<sup>5</sup>

Smith finds a better solution in charter schools (though not in response to the problems just discussed). Charter schools are superior to vouchers, in her view, because they provide adequate public accountability. As indicated above, she sees both charter schools and vouchers as a means of promoting the equalization of opportunity for parents to choose schools in accordance with their interests and values.

Both of these claims for charter schools may be challenged. Take public accountability. Smith seems to assume that there is a uniform model of public accountability for charter schools, whereas, in fact, charter school laws differ markedly across the states. Bryan Hassel has placed charter laws on a continuum, ranging from “weak” to “strong.”<sup>6</sup> Contrary to what these labels might suggest, strong laws are associated with weak public accountability, and vice versa. To further complicate matters, the spirit of charter laws is not always reflected in how the letter is implemented. In my home state of Colorado, for example, a relatively weak charter law functions like a strong one because of a provision that gives the State Board of Education the authority to overrule the decisions of local school districts.

Smith might clarify her position by further specifying the details of the kind of charter law she has in mind. But the daunting political problem of bringing various charter laws into line with her conception of public accountability would still remain. In this vein, the actual controversy about public accountability of charter schools is playing itself out in terms of the market rationale. There has been a clamor recently for charter schools to be subjected to greater public accountability, but the controversy has been primarily about test scores, not about the failure to equalize opportunity or to further the public interest of ensuring that students are prepared for liberal democratic citizenship.<sup>7</sup> So long as test scores are sufficiently high, public accountability is not an issue.

Charter schools fare no better in terms of equalizing the opportunity for parents to choose than they do in terms of public accountability.<sup>8</sup> Obstacles such as not being hooked in to the right parent networks, lacking transportation, and being required to enter into “sweat equity contracts” effectively preclude many parents from taking advantage of school choice. Charter schools consequently serve to encourage “white flight” and “skimming,” and result in stratifying enrollment by academic achievement, race, income, and special needs.

All of these outcomes were evident in a study of Boulder’s school choice system that I conducted with several colleagues (a system that includes but is not limited to charter schools).<sup>9</sup> Charter schools were at the top of the stratified system in terms of test scores and at the bottom in terms of low-income, minority, and special education enrollment; they used their publicly supplied per pupil funding much like a voucher, which they then augmented with money they derived from fundraising. This study provided a clear instance of the triumph of the market mechanism in school choice. Although the school district never explicitly embraced the market rationale, it adopted it by default, in virtue of requiring schools to fend for themselves in the competition for enrollment. Readily available test score information played a significant role in which schools were chosen and which were abandoned.

To conclude, I offer the following general appraisal of Smith’s proposal. From the broad perspective of all parents, she seems committed to endorsing school choice policies that, overall, both exacerbate inequality and divert attention from the real problems besetting public education. From the narrower perspective of religiously motivated parents—a perspective that might be justified on the grounds that the larger policy context is intractable (the stance taken by some African Americans and Latinos who embrace school choice)—what Smith proposes would be an advance in terms of equalizing opportunity. But she would need to moderate the scope of her claim. For poor parents among the religiously motivated, just like poor parents in general, are the least likely to be able to take advantage of expanded choice.

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1. Nel Noddings, *Educating for Intelligent Belief or Unbelief* (New York: Teachers College Press, 1993).

2. Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962).

3. John Coons and Stephen Sugarman, *Education by Choice: The Case for Family Control* (Berkeley: University of California Press, 1978).

4. SchoolChoiceInfo.org; <[http://www.schoolchoiceinfo.org/what/milw\\_cost.jsp](http://www.schoolchoiceinfo.org/what/milw_cost.jsp)> 31 July 2002.
5. Lisa Fine, "Study: Just 1 in 5 Cleveland Voucher Pupils Left Public Schools," *Education Week* 21, no. 3 (19 September 2001): 13.
6. Bryan Hassel, *The Charter School Challenge* (Washington, D.C.: Brookings Institution Press, 1999).
7. A recent story in the *New York Times* documented the growing concern about the lack of public accountability for charter schools in the three states that account for 40% of the charter schools nationwide: Arizona, California, and Texas. Perhaps Smith would endorse the call for greater public accountability. See Timothy Egan, "Failures Raise Questions for Charter Schools," *New York Times*, 5 April 2002 <<http://www.nytimes.com/2002/04/05/education/05CHAR.html>>.
8. That large school choice systems that are weakly regulated generally stratify enrollment by race and income has been documented in a recent comprehensive study by the RAND corporation. (See Bryan Gill, Michael Timpane, Karen Ross, and Dominic Brewer, *Rhetoric versus Reality: What We Know and What We Need to Know about Vouchers and Charter Schools* (Santa Monica, CA: RAND.) Even choice systems that once avoided these problems are being overtaken by the influence of the market rationale, as in St. Paul, Minnesota. See Stephen Schelenberg, Christine Osorio, and Cindy Porter, "Changing Students, Changing Purposes: The Evolution of a School Choice System in an Urban School District" (Paper delivered at the Annual Meeting of the American Educational Research Association, New Orleans, LA, 2 April 2002).
9. Kenneth Howe, Margaret Eisenhart, and Damian Betebenner, "School Choice Crucible: A Case Study of Boulder Valley," *Phi Delta Kappan* 83, no. 2 (2001): 137-46.