

# THE CASE FOR EDUCATIONAL PLURALISM IN THE U.S.

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## Contents

Executive Summary.....	4
Introduction.....	5
What Is Educational Pluralism? .....	5
Navigating Obstacles to Educational Pluralism in the U.S. ....	7
Research on Educational Pluralism .....	9
Accountability in Pluralist Systems.....	10
Help High-Quality Schools Scale Up .....	14
Practical Challenges .....	15
Conclusion: It Can Happen Here.....	16
Endnotes.....	18

## Executive Summary

For more than a century, public education in the U.S. has been defined as schools that are funded, regulated, and exclusively delivered by government. The past 25 years have brought some diversified forms of delivery through charter schools and various private-school scholarship mechanisms. Nevertheless, most discussions and debates over school reforms take place within the existing paradigm: only district schools are considered truly public, and all alternative models (whether charters, tax credits, or vouchers) must justify themselves on the basis of superior test scores.

In reality, the U.S. is an outlier. Educational pluralism—a school system in which the government funds and regulates, but does not necessarily provide, public education—is the democratic norm around the world. The list of educationally plural systems is long, and it includes the United Kingdom, Hong Kong, Belgium, Denmark, Indonesia, Israel, Sweden, and France. This report explains how pluralist systems work in other countries and considers educational pluralism as a model for the United States.

When Americans learn that educational pluralism exists in most democracies, they raise serious questions: Is educational pluralism even constitutional, given its inclusion of religious schools among secular? If so, under what circumstances? Does educational pluralism lead inevitably to social isolation and anti-civic behavior? How do other democracies ensure academic quality across diverse schools? Which of their accountability measures are viable in the United States? How do plural school systems support parents and ensure equitable access?

The report takes up these questions and sets out the strengths and weaknesses of plural school systems. It suggests a balanced path forward that honors both distinctive school cultures and the imperative to educate for the common good. The report concludes by examining practical and political strategies that would move U.S. school systems into the democratic norm, drawing upon international and domestic models.

# THE CASE FOR EDUCATIONAL PLURALISM IN THE U.S.

## Introduction

A majority of the world's democracies support school systems in which the state funds and regulates, but does not necessarily operate, a mosaic of schools. The Netherlands, for example, supports 36 different types of schools—including Catholic, Muslim, and Montessori—on an equal footing. The U.K., Belgium, Sweden, and Hong Kong help students of all income levels attend philosophically and pedagogically diverse schools. So do most Canadian provinces. Funded schools in these pluralist systems are also subject to robust regulations and, in some cases, to a common academic curriculum. Educational pluralism does not guarantee high academic performance and strong civic behaviors, but when this system is well executed, it makes such outcomes more likely.<sup>1</sup> Importantly, educationally plural countries also provide for what the U.S. calls “district schools”; a third of Dutch students attend them. The difference is that, in educationally plural systems, many types of schools are considered to be part of the public education system.

Public education in the U.S., however, has operated as a unitary system for over a century—which means that public schools are funded, regulated, and exclusively delivered by government. The past 25 years have brought some diversified forms of delivery, such as through charters. Nevertheless, our imaginations—and our public debates—remain captive to the existing paradigm, in which only district schools are considered truly public, and all alternatives (including funding via tax credits and vouchers) must justify themselves on the basis of superior test scores. Fierce competition between school sectors is the inevitable result, while political rhetoric and legislative initiatives skew toward one of two poles: the libertarian and the statist.

Educational pluralism aligns with neither of these poles but stands firmly in the center, affirming both distinctive cultures as well as robust public accountability. But what might it look like in the United States? This paper addresses key concerns, draws upon existing models, and suggests an inclusive path toward educational improvement that rests upon key levers that all schools share. The goal is a completely different conceptual and organizational framework for American public education.

## What Is Educational Pluralism?

The first thing to understand about educational pluralism is that it is not just a clever way to say “school choice.” The school-choice movement in the U.S. has, of necessity, argued for individual exceptions to the uniform delivery model—it assumes the norm of uniformity, even while arguing against it. An additional complication is that both district-school and school-choice advocates disagree among themselves about the extent of government oversight of non-district schools; therefore, accountability remains ambiguous and contested. By contrast, pluralism carries quite

different assumptions about what public education should look like.<sup>2</sup> It rests upon five key claims:

- *The “right school” must be accessible for all families.* Arguably, we have “school choice” in this country already. It consists of parents who have the money to move to a preferred school district or enroll their children in a private school. Pluralism aims to make such decisions available to everyone.
- *Education is not a neutral enterprise.* Schools instruct children, whether explicitly or implicitly, about meaning, purpose, and the good life. Pluralism acknowledges the non-neutrality of education and thus supports a mosaic of schools that differ from one another in significant ways.
- *Education is not merely an individual good but also a common good.* Unlike many choices that we make as individuals, all of us are implicated in how other people’s children learn citizenship or can enter the workforce successfully. This is the basis for an academic standard that all schools have to achieve. As Charles Glenn, professor emeritus at Boston University and the former director of urban education and equity for Massachusetts’s Department of Elementary and Secondary Education, put it, pluralism assumes that “it is an appropriate goal of public policy to ensure that there are no failing schools,” and regulates accordingly.<sup>3</sup>
- *Education belongs within civil society.* In pluralist systems, education is answerable to both the individual and the state—but not exclusively to either. Pluralistic systems rely upon the voluntary sector to help deliver education. For example, Sweden allows per-capita funding to follow the child to non-state schools.<sup>4</sup> Hong Kong’s government funds K–12 education, but philanthropic organizations operate the schools.<sup>5</sup> In Australia, nearly half the enrollment in nongovernment schools comes from the lowest-income students in the country—funded by tuition money from the national government.<sup>6</sup> In the U.K., the majority provider of elementary education is the Anglican Church, with the Catholic Church close behind.<sup>7</sup>
- *Pluralism advances academic and civic achievement.* Schooling is complex and multifaceted, and not all pluralistic systems are excellent and equitable.<sup>8</sup> However, pluralism is designed to promote two in-school factors that exercise an independent, positive effect on academic and civic outcomes: a strong school culture; and a robust academic curriculum.<sup>9</sup> When well designed, educational pluralism promotes both these factors and therefore maximiz-

es the chances of strong civic formation, academic success, and social mobility (more on the research below).

When these principles are translated into practice by school systems around the world, we find such examples as:

- *Alberta, Canada.* In the 1990s, the province undertook what we might call a grand bargain. It equalized school funding to make it less reliant upon property values; expanded educational options to include (for instance) home schooling and First Nations schools alongside Catholic, Protestant, Jewish, and secular schools; and implemented a robust provincial curriculum that all students needed to learn. This curriculum can be delivered through distinctive school cultures and materials, but all students have to master the same information. Alberta is now one of the world’s highest-performing systems.<sup>10</sup>
- *Australia.* Australian education operates at the provincial, rather than the federal, level. However, in the last two last decades, Australia’s federal government has become the top funder of nonpublic schools because of those schools’ manifest ability to close the achievement gaps between high- and low-income students. In fact, fully half the independent school students in Australia are from the lowest economic quartile of the population.<sup>11</sup>
- *Indonesia.* Indonesia, a secular nation with a majority-Muslim population, supports nonsectarian, Catholic, and Protestant schools, all of which follow the entire national curriculum. Indonesia also funds Islamic schools, which are required to follow only 70% of the national curriculum but may spend the remaining 30% of the schedule on religious studies.<sup>12</sup>
- *Hong Kong.* The government of Hong Kong funds the majority of schools, but voluntary organizations actually deliver the schooling.<sup>13</sup>

Many other examples exist. Sweden and Poland allow per-capita funding to follow children to their schools of choice; Hyderabad, India, is experimenting with vouchers for low-income children; Denmark funds 85% of the operations of nonpublic schools. A review of the international landscape finds that pluralism is the majority structure for democratic education.<sup>14</sup>

When Americans learn that educational pluralism exists in most democracies, they often worry that this system would not work in the U.S. because it might violate “the separation of church and state,” fly in the face of tradition, or reinforce social divisions. These

concerns are serious but do not pose an inherent threat to educational pluralism.

## Navigating Obstacles to Educational Pluralism in the U.S.

### *The U.S. Constitution*

Contrary to a common misunderstanding, the First Amendment's Establishment Clause does not create a no-contact zone between religious and governmental institutions. But the precise way in which public funding flows to religious schools does make a difference, and state constitutions can be more restrictive than federal jurisprudence. Consider these three mechanisms:

- *Education tax credits* allow individuals or corporations to reduce their tax liability by giving a limited amount of money either to state-approved scholarship funds for (mostly low-income) children to attend private schools, or to district-managed philanthropies designed to support district schools. The credit may not be used to fund a school attended by the donor's children.
- *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 may use them.
- *Education savings accounts* allocate a fixed proportion of the state's per-capita funding to eligible students, who may apply it to tutoring, instructional materials, private-school tuition, postsecondary savings, technology, and other state-approved items.

Education tax credits are always constitutional on the state level because funds that derive from tax liabilities are not considered “public dollars” and do not touch upon state constitutional restrictions.<sup>15</sup> Vouchers can be constitutional, too, if a state constitution permits them. Education savings accounts have not yet been tested for constitutionality at the federal level.

From the federal perspective, states may not make direct operating grants to religious schools or create

targeted programs that favor them. But public dollars may follow low-income students to religious schools (through the Title I program). Furthermore, states may send public funds indirectly to nonpublic—even religious—schools, when the enabling laws are secular in purpose when the funds to religious schools result from parental rather than governmental decisions, and when the program avoids unnecessary entanglement between church and state.<sup>16</sup>

The U.S. Supreme Court has created numerous guardrails to prevent government endorsement of particular religions and concurrently to protect religious liberty.<sup>17</sup> *Lemon v. Kurtzman* (403 U.S. 602, 1971) established a rigorous constitutional test to determine whether a law violates the First Amendment's Establishment Clause. The “Lemon test” requires that the enabling law reflect a secular purpose and a neutral framework; that religious schooling resulted from private, not governmental, choice; and that the program under review involve no endorsement of religion by the state.

Thirty years later, in *Zelman v. Simmons-Harris* (536 U.S. 639, 2002), the Court faced a case involving vouchers in Cleveland. In Cleveland's voucher program, students in failing schools could apply public dollars toward tuition at private schools or private tutoring if they stayed in public schools. (The program set the voucher amount at \$2,250 per year, with priority given to low-income students. Children who stayed in failing public schools received \$360 for additional tutoring.) The Court ruled 5–4 that Cleveland's voucher program was constitutional—even though the majority of schools selected were religious schools. A majority of the justices reasoned that Ohio's legislation was neutral with respect to religion; that (some) parents, rather than the state, enrolled students in religious schools; and that the program required only limited interaction between public and private entities.

State constitutions, on the other hand, can be more restrictive than the federal constitution. In the late 19th century, many legislatures passed so-called Blaine Amendments.<sup>18</sup> Originally anti-Catholic in intent, these amendments (which vary in wording or interpretation) can still prevent state laws from allowing even indirect funding to religious schools. New York's Blaine Amendment allows some state funding for nonpublic schools in the form of transportation, technology, utilities, and security. Florida's Blaine Amendment forbids direct *and* indirect aid to religious schools and includes the term “uniform schooling” for emphasis. On this basis, the Florida Supreme Court struck down a statewide voucher program.<sup>19</sup>

Blaine Amendments don't prevent all forms of pri-

vate-school scholarships; *Zelman v. Simmons-Harris* originated in Ohio, a Blaine-Amendment state.<sup>20</sup> But even states without Blaine Amendments often have limited educational options, low levels of accountability, and a bias toward uniformity. Maryland is a case in point. The state’s historically large Catholic population precluded a Blaine Amendment, but the state’s charter-school law is quite weak. It does not have a large private-school scholarship program, or a tough-minded accountability system for all schools (not merely private schools).<sup>21</sup> Cultural norms can be just as powerful as legislation.

### “The District School Is the American Way”

It was not always thus, as Charles Glenn’s *The Myth of the Common School* (1988) tells us. Public schools in this country were once educationally plural, reflecting the local population’s beliefs and values. The landscape changed in the mid-19th century. A wave of immigration sparked a nativist movement that was pro-Anglo-Saxon, anti-immigrant, and, above all, anti-Catholic. The movement to defund Catholic schools made for strange bedfellows; the Ku Klux Klan firebombed Catholic neighborhoods and churches, while antebellum Republicans translated the “separation of church and state” into state constitutional amendments (the Blaine Amendments mentioned above) that limited school funding exclusively to the common schools. The common schools were Protestant through and through until the Supreme Court secularized them, beginning in the 1960s. Over time, the pattern established in the late 19th century decisively shaped Americans’ understanding of what constituted public education.<sup>22</sup>

But merely because we have equated “public education” with the district model for a hundred years does not mean that we should continue doing so. Uniformity was not always our norm, is not the current international norm, and benefits some children but not others. That said, the force of culture upon what we think is possible—our “social imaginary,” as Charles Taylor puts it<sup>23</sup>—is strong. The assumption that public education is *one thing* constitutes a more formidable barrier to pluralism than do political alliances or constitutional impediments. Challenging the underlying framework of public education will require time, patience, and trial and error.

### Social Cohesion

Many Americans fear that diversifying public education

would lead to increasingly isolated subcommunities and anti-civic behavior. This fear is understandable; yet all democracies rely upon education to support the formation of able citizens, including the ones with pluralist systems, and research shows no inherent advantage to state-run schools.<sup>24</sup>

At the systems level, many pluralistic countries do a good job of imparting the knowledge, skills, and attachment necessary for effective citizenship. In 2009<sup>25</sup> and 2016,<sup>26</sup> the International Association for the Evaluation of Educational Achievement (IEA), which assesses the civic knowledge and civic attachment of adolescents around the world, surveyed more than 100,000 eighth-graders and their teachers in thousands of schools across IEA countries—the largest such surveys ever conducted. The results show no inherent advantage to uniform over plural school systems. In fact, many of the top-performing school systems are plural.

In the U.S., a 2007 meta-analysis of schools’ effect on civic outcomes,<sup>27</sup> controlling for family background, suggested a neutral-to-positive effect of nonpublic schools.<sup>28</sup> In 2008, Notre Dame’s David Campbell compared school-sector outcomes and found that private schools do a better job of nurturing students’ civic skills, community service, political knowledge, and political tolerance (also controlling for family background).<sup>29</sup> The only negative finding in Campbell’s study was that Protestant graduates show slightly diminished political tolerance compared with the rest. As a final example, recent research from Cardus’s Religious Schools Initiative at Notre Dame indicates that private high school attendance exerts an independent, positive influence upon adult giving and volunteering.<sup>30</sup>

A related concern about pluralism is that it would inevitably increase racial segregation. The presence of minority-majority charter schools in cities such as Boston, New York, and Newark validates this concern;<sup>31</sup> one recent study (2016) affirms the academic benefits of racial integration, while an analysis of Charlotte-Mecklenburg’s re-segregation at the end of race-based busing (2001) indicates that African-American students’ academic learning diminished as a result.<sup>32</sup> Such data points are concerning, given the historical injustices that persist in the United States.

But it does not therefore follow that black and brown students won’t succeed unless they are around white students. Such an assumption not only reflects the stereotypes it seeks to change but also flies in the face of empirical evidence, such as the outsize learning gains for majority-minority charters and districts with strong



academic curricula and school cultures that carry high expectations.<sup>33</sup> A current lawsuit in Minnesota, for example, alleges that the Twin Cities' education policies, including the growth of their charter sector, foster racial segregation. But many parents choose all-black charter schools precisely because they are culturally affirming.<sup>34</sup> The challenge we face, in both uniform and plural structures, is to balance the rights of black and brown families to enroll their children in schools that strengthen their identities and advance their academic attainment, with our society's long-term (and, so far, unsuccessful) imperative to promote racial and socioeconomic inclusion.<sup>35</sup>

Instead of the current animus between entire school sectors, pluralistic systems focus on improving each individual school, not pitting one sector against another. Educational pluralism reflects many of the things we care about as a country, such as equitable access to "the right school," fierce focus on academic and civic outcomes, and a reliance upon the mediating institutions of civil society rather than the individual or the state.<sup>36</sup>

## Research on Educational Pluralism

Much education research is conducted in this country, very little of which is used for the benefit of children,<sup>37</sup> and much of which gets weaponized for political gain.<sup>38</sup> Instead of using research to demean entire school sectors, pluralists can emphasize research findings that hold *across* school types and systems. For instance, research from the U.S. and around the world suggests that two factors exercise outsize, independent, positive effects upon students' academic and civic outcomes: a strong school culture; and high-quality curriculum and instruction.<sup>39</sup>

There is more to a school's culture than a friendly atmosphere, high achievement, or few discipline problems. Rather, a strong culture is grounded in a common ethos that is evident in the moral vocabulary, rituals, discipline, academic expectations, and relationships among students, teachers, and the larger school community. Sometimes culture is referred to as "the way we do things around here." More expansively, school culture is represented by the stable underlying factors that shape an institution's beliefs, expectations, and behaviors. Of course, not every school has a strong culture, and the culture at some schools is hardly visible. Still, evidence from around the world suggests that studying within "distinctive educational communities in which pupils and teachers share a common *ethos*" vastly in-

creases the odds of students' acquiring academic and civic knowledge, skills, and sensibilities.<sup>40</sup>

As Charles Glenn noted of European school systems, most of which fund religiously, philosophically, and pedagogically diverse schools: "Schools with a distinctive identity ... offer educational advantages deriving from their clarity of focus."<sup>41</sup> A study by Anthony Bryk and others found this same factor at work in American Catholic schools.<sup>42</sup> Karin Chenoweth noted the importance of a culture of high expectations upon students in district schools.<sup>43</sup> Scott Seider observed the benefits of a strong normative culture in three very distinctive charter schools in Boston.<sup>44</sup>

One use of this research is to encourage all schools to articulate and strengthen the foundational principles that define them.<sup>45</sup> This happens more naturally in the private- and charter-school domains, but district schools are also differentiating, often to good effect. During the Bloomberg years, for instance, New York created 150 small high schools that are giving a leg up to disadvantaged students.<sup>46</sup> Under the leadership of superintendent Pedro Martinez, the San Antonio Independent School District is enabling schools to differentiate by aligning course work with local industries, launching an international baccalaureate program, and increasing socioeconomic diversity by design, among other means.<sup>47</sup>

District schools already use survey data to examine various aspects of school culture, such as students' and teachers' perceptions of safety and the relationships between students and teachers.<sup>48</sup> Charters and private-school networks often have their own versions; see, for example, the requirements for membership in the Council of International Schools<sup>49</sup> or the parent questionnaire required for joining the Seventh-day Adventist network.<sup>50</sup> The Johns Hopkins Institute for Education Policy will field-test its own school-culture survey in 2019. Such tools can help schools—all schools—clarify their mission and align school practices around it.

## High-Quality Curriculum and Instruction

Apart from a strong school culture, a high-quality curriculum is the second important independent factor that cuts across all schools. When such a curriculum is implemented with fidelity, it can make a huge difference in student learning. A few examples from the research:

- Numerous recent studies suggest that switching from a low- to a high-quality textbook can boost student achievement more than other, more popular, interventions, such as expanding pre-school programs, decreasing class sizes, or offering merit pay to teachers. It is also cost-effective.<sup>51</sup> A study by Harvard’s Thomas Kane found that the effect upon student test scores of a high-quality math textbook as opposed to an average-quality textbook amounted to an extra eight months of learning for an average middle-schooler.<sup>52</sup> Note that teachers must receive substantial support as they learn to use the new curriculum; another Harvard report found that this occurs only rarely—to the detriment of student learning.<sup>53</sup>
- Instructional materials that intentionally build knowledge—rather than merely reinforce skills—exercise an outsize positive effect upon student success. A 2013 quasi-experimental study by Mathematica conducted in five high-poverty Expeditionary Learning (EL) schools in Washington, D.C., and New York City found positive academic effects in both reading and math.<sup>54</sup> The gains increased with every additional year of using the program. Similarly, a series of quasi-experimental studies of Core Knowledge Language Arts in high-poverty schools found a positive effect on student achievement and student engagement.<sup>55</sup> (Expeditionary Learning and Core Knowledge are both highly standards-aligned and content-rich curricula.)

The positive effects of high-quality curricula shouldn’t be a surprise. Most democracies around the world require all schools to teach a common body of knowledge, and the highest-performing nations feature a comprehensive, content-rich curriculum.<sup>56</sup> Requiring a common body of knowledge—at least through upper elementary school—makes particular sense in pluralistic systems, which must equalize opportunity and knowledge across diverse delivery systems and abilities.<sup>57</sup>

A mandated common curriculum is unlikely in the U.S., for a number of reasons.<sup>58</sup> But at the local or state level, education policymakers and advocates can create the conditions under which high-quality instructional materials and instruction become the norm, to the betterment of all schools.

The Louisiana Department of Education, for example, has launched extensive curriculum and instruction initiatives that include charter and private schools.<sup>59</sup> Other states are following suit. Resources to drive positive change, such as the nonprofit EdReports, evalu-

ate published English language arts (ELA) and math curricula for their alignment with standards, rigor, and usability for teachers. EdReports can be used to good effect in all school sectors.<sup>60</sup> Other resources include guidance for state and district policymakers, instructional summits for teachers, and philanthropic dollars that promote instructional heft.<sup>61</sup> A brochure released jointly by the Aspen Institute, Chiefs for Change, Education Counsel, and Education First recommends that high-quality materials and professional development be funded under the Every Student Succeeds Act.<sup>62</sup>

Sometimes legislation can drive instructional change. A Massachusetts law in 1993 required strong curricular frameworks for K–12; established new, rigorous assessments; changed teacher certification to reflect deeper mastery of subject matter; and specified that professional development focus on subject matter.<sup>63</sup> Over the next two decades, the state became one of the highest-performing educational systems in the world.

Legislatures possess minimum control over the curricula of private schools, but they can require that all schools post their curricula online, as the U.K. does, and fund evaluations of the “curriculum effect” in diverse schools within their states.<sup>64</sup> Meanwhile, state education departments can train school leaders to recognize and implement high-quality curricula—what David Steiner, executive director of the Johns Hopkins Institute for Education Policy, calls “curriculum literacy.”<sup>65</sup>

Curriculum and school culture constitute two important areas for research; equitable school funding, effective policies for English language learners, and socioeconomic and racial integration are also important. These challenges, like the positive findings on strong curricula and school culture, pertain in all school systems, whether uniform or plural. We have a common interest in solving the persistent effects of slavery, preparing first-generation students to engage in the public square,<sup>66</sup> and voting for equitable funding mechanisms. Pluralists can work for sector-agnostic solutions while insisting that no single solution exists to the problems we must solve.

## Accountability in Pluralist Systems

The arguments for pluralism over uniformity are strong. But how are the common good and the public purpose of education translated into statutes and regulations?



Accountability is where the pluralist parts ways with the libertarian; the latter sometimes argues that parents, not the state, are the only necessary quality-control measure.<sup>67</sup> But we know from extensive research that a pure market approach often leaves first-generation families behind,<sup>68</sup> while parents can become deeply attached to schools that do not serve their children well.<sup>69</sup>

The philosophical and political argument for academic accountability is that education is not merely an individual good but also a public good. It matters to me that your children can enter the workforce successfully; it matters to you that my children understand democratic processes. The economic argument is that public dollars must be wisely spent to further the commonweal.

In fact, the argument for the public interest in private schools, even absent state funding, is deeply embedded in this country's jurisprudence. School-choice advocates are well acquainted with the U.S. Supreme Court's ruling in *Pierce v. Society of Sisters* (1925), which upheld the right of Catholic schools to exist against Oregon's anti-Catholic legislation. An oft-quoted passage from the decision:

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.

But the Court also reinforced, in the same breath, the public's interest in the quality and content of private schools:

No question is raised concerning the power of the State reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.<sup>70</sup>

A half-century later, the Supreme Court reinforced this reasoning when it struck down racially discriminatory admissions policies in private schools and colleges.<sup>71</sup> Such rulings are not libertarian. They assert, in contrast, that all our country's schools matter to all of us. State governments determine the common purpose of

education, whether that education be delivered by district, charter, or private schools.<sup>72</sup>

But a tension lives at the center of educational pluralism: the state seeks academic competency at every school, but it may not in the process undermine distinctive school cultures—the values, norms, and pedagogies that distinguish one school from another. Should the state sanction *every* school culture? What if the state's definition of “academic excellence” becomes oppressive? What have other countries tried that might work here?

### Off the Table

There are some schools that the government should never support financially; two broad categories are always off the table. The first is sedition, which is against federal law.<sup>73</sup> The second is racially discriminatory practices. Racial discrimination is against federal law and jurisprudence, and a jihadist or an Aryan Nation school would be deemed illegal. This leaves several issues open to dispute, such as whether the state should fund a school that teaches creationism or discriminates with respect to sexual orientation. While the second issue, in particular, is of increasing concern in states with vouchers and tax credits and merits serious deliberation, neither is currently a settled matter of law.<sup>74</sup> Beyond unlawful practices, educational pluralism inevitably involves funding schools that many of us wouldn't send our own children to. Its design assumes and ensures this.

### What About State Oppression?

While governmental power can be misused, instances of inappropriate government control of school culture in pluralistic systems are rare. Still, one recent conflict over the school curriculum in Canada illustrates the risks.

Quebec is linguistically, religiously, and culturally diverse, and the school system in the province includes publicly funded Protestant, Catholic, Jewish, and nonsectarian schools in addition to the non-funded independent schools. For more than a hundred years, Quebec had allowed schools to modify the provincial curriculum in accordance with their ideals.

In 2008, a new Liberal government in the province reversed this policy and required strict adherence to an Ethics and Religious Culture (ERC) course that reflected the government's commitment to “normative pluralism.” The new ERC course was intended to

provide a neutral approach about religions and, in the process, to inculcate tolerance and respect for others.

For many Catholic, Protestant, and Jewish schools, placing the sacred within a secular framework made no sense. In a departure for Quebec, however, the government did not allow dissenting schools to provide alternative courses that covered the same material. One of the resulting lawsuits, *Loyola High School and John Zucchi v. Michelle Courchesne and Her Ministry*, ended up at the Canadian Supreme Court,<sup>75</sup> which sided with the school in 2015.<sup>76</sup> Quebec's strict-adherence policy was struck down.

There is, in short, always a risk of governmental interference with the culture of a school. In the U.S., however, as constitutional scholar Nicole Stelle Garnett notes, "The government's ability to meddle with the mission of religious organizations is dramatically circumscribed by law. Religious organizations are entitled to exemptions, either constitutionally or statutorily, from many regulations threatening their religious liberty and identity." Despite concerns from the private-school community, Garnett adds, "The regulatory record of existing private school choice programs, which now extends longer than 20 years, however, has not borne out those fears. Instead, this record suggests that governmental entities have consistently eschewed interference with the religious mission of participating schools."<sup>77</sup>

## Judging School Quality

Holding schools—including, of course, district schools within our current public education system—accountable for academic results is always contentious. Legislation such as No Child Left Behind and Race to the Top, for all their merits, have inspired skepticism and outright resistance from both the Right and the Left. In any event, there are two paths to judge school quality and accountability, one loose and one tight: test scores alone; or test scores as one of several measures to evaluate quality, including on-site evaluations.

The first—and, in some ways, the simplest—method of creating accountability under a pluralist system is through requiring public assessments, via test scores, across all schools that accept public dollars. By 2018, 26 states plus Washington, D.C., and Puerto Rico had created a total of 52 voucher, tax-credit, and education savings account programs. Of these programs, 53% require participants to take standardized tests, 36% require the results to be made public, and 63% require financial reporting.<sup>78</sup>

Indiana's Choice Scholarship requires all private schools in the state—not only those accepting scholarship students—to administer ISTEP, Indiana's annual academic exams, and to report the results publicly.<sup>79</sup> The state also evaluates schools that participate in the scholarship program according to the same rubrics as district schools. Each one receives a letter grade that bears upon these schools' ability to receive additional scholarship students or even to participate in the program at all.

Florida's tax-credit program, by contrast, requires that participating students (not entire schools) take a nationally normed assessment (not the state exam) each year. The state's financial audits are the most stringent in the country. Arizona stands at the opposite end of the spectrum: none of its three tax-credit programs requires any academic assessments or reporting.<sup>80</sup> Indiana and Florida are much closer to the pluralist ideal. These state programs require robust public accountability and fiscal responsibility and thus, both empower parents and protect the public interest.

But test scores alone do not fully capture a school's value or predict students' long-term outcomes; recent research emphasizes that other metrics can be stronger predictors.<sup>81</sup> A second approach is the use of human judgment to evaluate multiple measures. On-site inspections are widely used in Europe for accountability and improvement. The appeal of site visits lies in their capacious understanding of school quality that includes not only students' test scores but also leadership capacity, instructional strengths and weaknesses, historical performance, and demographics.<sup>82</sup> (The U.K. Office for Standards in Education [Ofsted] examines 27 indicators.) OECD's research on-site visits suggests that they exercise a positive, indirect effect upon academic achievement.<sup>83</sup>

In the U.S., the closest practice to an inspection system is charter-school reauthorization. For example, New York State requires site visits of charter schools, and its protocols mirror many of Ofsted's. Two-day site visits include classrooms, inspections of financial documents, surveys of important stakeholders (principals, teachers, boards of governors), and focus groups. The subsequent report becomes a key document in the decision about whether to reauthorize the charter.<sup>84</sup>

Several states and school districts inspect non-charter schools as well. Some (Vermont, New York City) are universal; others (such as Ohio and New York State) focus exclusively on low-performing schools or on schools that receive federal funds, such as Title I or School Improvement Grants.<sup>85</sup>

Site visits have significant appeal but are expensive and require substantial preparation by school staff. Still, if they are well designed and staffed, site visits could go a long way in elevating academic expectations across many types of schools. A “gradual release” approach, in which schools that received consistently high marks received less frequent visits, would blunt the expense in terms of money and staff time.

## Help High-Quality Schools Scale Up

Some schools just do a better job than others of educating children or specific types of children, and the U.S. would be wise to allow such schools to lead the way. An important question to ask of state laws and regulations is whether they are oriented toward expanding the reach of high-quality schools—whether district, charter, or private.

School districts have several mechanisms through which to scale up high-performing schools. One is to shutter low-performing schools—always a politically painful process. Having higher-quality schools in their place can make a huge difference for families. When Chicago Public Schools (CPS) closed 47 low-performing schools in 2013, it ensured that the almost 12,000 students were assigned to higher-performing “welcome” schools.<sup>86</sup> CPS also scaled up high-octane academic programs within low-performing schools, as it did with the International Baccalaureate Diploma Program (and other baccalaureate programs subsequently).<sup>87</sup> Superintendents can incentivize new school models, as is happening in San Antonio.<sup>88</sup> Or state regulations can drive change, such as in the receivership model that can, among other things, bring proven operators to manage low-performing schools across a district.<sup>89</sup>

In some states, the charter-school authorization process successfully creates new seats in high-performing schools and allows strong models to expand.<sup>90</sup> This is a smart bet, as a 2017 Stanford analysis of charter management organizations (CMOs) shows that such organizations generally outperform local entities—some by a wide margin.<sup>91</sup> State laws make a big difference here. A state such as Maryland cannot attract high-performing CMOs because its charter law requires authorization by the school district and compliance with collective bargaining agreements.<sup>92</sup>

Private-school scholarship legislation has focused on providing a lifeboat for low-income students rather than creating new models. Scholarship programs have

thus unwittingly filled empty seats rather than encouraged new ones. States that wish to attract more high-performing, low-cost private schools or scale up existing ones should craft laws that allow incremental accreditation, ensure long-term funding, and let schools select families on the basis of their agreement with the school’s mission.

School funding is an abiding concern and generates dozens of lawsuits, gubernatorial commissions, and legislative initiatives designed to remedy alleged inequitable spending. Such activities sometimes make things worse, however, and wide inequities persist.<sup>93</sup> In many cities, charter schools compete for resources and space.<sup>94</sup> Some voucher and tax-credit programs underfund scholarships, which means that low-income students cannot take advantage of them.<sup>95</sup> District schools can suffer through funding mechanisms that are heavily reliant upon property values—thus increasing the gap between educational haves and have-nots.<sup>96</sup>

Educational pluralism assumes that every child should be able to enroll in a school best suited to his or her needs. Ideally, funding would become commensurate across all sectors, as in many pluralist school systems.<sup>97</sup> In the U.S., the current mechanisms for funding each sector differ. Districts receive money from federal, state, and local sources, whereas charters do so usually from federal and state alone; vouchers are subject to constitutional constraints (allocations must come from neutral laws and the decisions of parental choices, for instance), while tax credits usually operate through the state treasury rather than its education department.

Legislation to date has focused on discrete school sectors, such as the provision for charter schools, distribution of property taxes, or the parameters of private-school scholarship programs. A more promising approach is to create “grand bargains” that address several concerns simultaneously. Illinois’ legislature has done so, rendering the public-school funding formulas more equitable and instituting a tax-credit program for low- and middle-income students (see below).<sup>98</sup> Such compacts are not always politically feasible, of course—and where they are not, educational pluralists can champion accountability and scaling up excellence.

Unlike historically pluralist school systems around the world that include choice and accountability by design, the U.S. is moving toward pluralism in a piecemeal fashion. The greatest legal impediment remains the Blaine Amendments, which should be revisited state by state and at the federal level. Whether state constitutions include Blaine Amendments or not, pluralists can champion laws that expand educational options,

require robust transparency and accountability for all schools, and create the conditions for high-performing schools to scale up or expand.

## Practical Challenges

Moving from uniform to plural delivery of public education raises a number of operational issues, including equitable transportation, support for parents, and student mobility. These are complex—and, at times, expensive—issues to solve. While some cities, such as Denver and Indianapolis, have gone a long way toward addressing them, too many families are still left behind—which creates an opportunity to engage many agencies and constituents.

Some cities, such as New York and Chicago, have strong public transportation systems that enable families to navigate a panoply of schools (NYC provides free Metro cards to all schoolchildren, including those enrolled in fully independent private schools). Other cities, such as Baltimore and Atlanta, do not have these systems. Lower-resourced families may possess the right to choose their children’s school but cannot exercise that right if they cannot get to those schools.

Baltimore is a case in point. Enrollment in a high school is neither automatic nor dictated by geographic residence; students must choose where to enroll, which often results in long commutes to various parts of the city. The transportation infrastructure does not correspond to these new travel patterns, which has negative consequences for student attendance.

How much of a consequence? We don’t know yet, but the Baltimore Education Research Consortium (BERC) set the stage to quantify with precision. In a study of 2014–15 data, BERC analyzed students’ commuting patterns using geographic information systems (GIS) software. The sobering findings: BERC’s 2017 report notes that the average school commute using public transportation is over a half-hour, and 68% of those trips require at least one transfer; one-third of high school students using public transportation report not feeling safe on the journey.<sup>99</sup> Such data points illustrate the transportation barrier posed to students in Baltimore and, most likely, in other midsize cities across the country.

In 2017, the Johns Hopkins Institute for Education Policy analyzed the transportation challenge in Oakland, Charlotte-Mecklenburg County, and Denver. In Denver, 80% of parents choose their child’s school. A collaboration between the City of Denver, Denver

Public Health, Denver Safe Routes to School Coalition, and the Denver Regional Council of Governments resulted in new transportation models (such as Success Express, a bus shuttle program), discounted public transit, and support for parents.<sup>100</sup> Denver’s programs were possible because of significant collaboration between agencies, pressure from advocates, and a bond and mill levy—but gaps in access to transportation still exist.<sup>101</sup>

A second issue that a pluralist educational system faces is support for parents. Research shows that even well-designed choice programs can be confusing. In a study of open-enrollment programs in Baltimore, Cleveland, Denver, Detroit, Indianapolis, New Orleans, Philadelphia, and Washington, D.C., the Center on Reinventing Public Education (CRPE) found that “parents with less education, minority parents, and parents of special-needs children are more likely to report challenges navigating choice” and that “cities have made uneven investments” in the parental aspect of their choice programs.<sup>102</sup> Such findings are echoed in other studies.<sup>103</sup>

Research indicates that parents learn through the process of choosing. Patrick Wolf’s study of the D.C. Opportunity Scholarship Program (a voucher program for low-income students) found that parents became increasingly sophisticated consumers of education “as a result of their direct experiences with parental school choice.” What they wanted changed over time, usually from a safe school that their child enjoyed to one that reinforced academic attainment, college preparedness, and intellectual depth.<sup>104</sup>

Massachusetts’s “controlled choice” policy, implemented in Boston beginning in 1989, sought to create racially integrated schools within a choice model. It required parents to attend enrollment sessions and receive personal support as they navigated the within-district program. The controlled-choice policy succeeded, measured by the fact that minority parents consistently received their top choices.<sup>105</sup> When Charlotte-Mecklenburg Schools instituted high school open enrollment, the district launched an extensive campaign to reach parents that included kiosks in popular shopping malls, door-to-door walkathons, and brochures that described the process. The result was that 95% of families in the district applied for alternative placement.<sup>106</sup>

Governments in central Europe provide sometimes extensive educational counseling to help families navigate their options.<sup>107</sup> The Pakistani province of Punjab provides parent support along with expanding choice in rural areas; the government provides parents with

“report cards showing the test scores of their children and the average for schools nearby, both public and private.” This has resulted in higher test scores across the board, as parents become savvier about what to expect and even demand.<sup>108</sup>

In short, educational pluralism requires funding to support families as they navigate the system. States and districts can provide this—as Massachusetts and Charlotte-Mecklenburg did—and they can also partner with philanthropies. A good example is Families Empowered, currently in Houston and San Antonio, which responds to parents’ needs as they choose schools, in both English and Spanish, and with a 24/7 hotline.<sup>109</sup>

A third issue for educational pluralism in the U.S. emerges because students move frequently between schools.<sup>110</sup> An extensive review of research literature (2017) concluded that “student mobility is prevalent among K–12 students across the United States.” A Government Accountability Office study found that among one nationally representative cohort (1998–2007), “13% of students in Grades K–8 had changed schools four or more times, 18% changed schools three times, 34% changed schools twice, 31% changed schools once, and only 5% did not change schools at all by eighth grade.”<sup>111</sup>

Not all student mobility has negative results, of course; young children whose families moved to lower-poverty areas under a federal housing pilot project, for instance, had better academic outcomes than their peers who did not move.<sup>112</sup> And not all moves are equal; researchers distinguish between “(a) student-family-initiated versus school-initiated moves; (b) voluntary versus involuntary moves; and (c) between academic year versus during the academic year moves.”<sup>113</sup> However, in the aggregate, changing schools in the U.S. has negative consequences for student learning, particularly for urban minority students, who move most frequently.<sup>114</sup>

Here again, educational pluralism offers an opportunity to create a comprehensive framework for students who move between schools and across sectors. The issue of supporting transfer students comes up most frequently in the context of the charter sector, since some charter networks are reluctant to enroll new students when existing students leave—a process known as “backfilling.”<sup>115</sup> But integrating new students into a well-established school culture and a (perhaps) more demanding academic curriculum is a challenge not only for charters but also for districts and private schools. As systems become more plural, one can imagine the role of state or even federal (Title I) funding to provide additional academic support for students who move voluntarily or involuntarily, within or between sectors.

## Conclusion: It Can Happen Here

In education policy, bipartisanship has already been necessary for state legislatures to pass education tax credits, vouchers, and education savings accounts. In 2016, for example, the General Assembly in Maryland voted for a \$5 million scholarship fund for low-income students to attend private schools. The bill was backed by members from both parties and supported by a cross-section of the state’s racial, religious, and economic interests.<sup>116</sup> The coalition behind New York’s Opportunity Tax Credit—which has not yet become law—includes the Association of Historic Black Independent Schools, the Sergeants Benevolent Association, the Buffalo Boys and Girls Club, the Brooklyn Chamber of Commerce, and the New York Hispanic Clergy Organization.<sup>117</sup>

To be sure, bipartisan agreements are never easy to achieve. Still, the Illinois legislature voted across party lines in 2017 to render the public-school funding formulas more equitable and institute a new tax-credit program for low- and middle-income students. The *Sun-Times* called this agreement “stunning” and quoted leaders from both parties who acknowledged that, while no one got everything they wanted, as Illinois House Republican Leader Jim Durkin put it, “the compromise ensures ... that all children in Illinois will have access to education that is funded fairly and equitably.”<sup>118</sup> Democratic House Speaker Michael J. Madigan noted: “Even where we don’t fully agree, we’re willing to work together in good faith and meet each other halfway. ... Every district in Illinois wins under this plan.”<sup>119</sup>

In many ways, Illinois’ landmark legislation is pluralism in practice: an increase in funding for districts, particularly Chicago Public Schools; the state’s first tax-credit program to support students’ access to private schools; and rigorous accountability that includes scholarship students’ taking the state’s academic assessments.

Bipartisan agreements often require local activism from parents and religious or civic leaders. Witness the 15,000 charter-school parents who marched in Albany in 2015, wearing T-shirts that said, “Don’t Steal Possible,” and asking the legislature to raise the charter-school cap—which it did.<sup>120</sup> Similarly, consider the ground-level support for Florida’s scholarship programs. Florida’s faith leaders and civil-rights leaders have been seminal in expanding the state’s educational options. In 2015, prominent pastors condemned the NAACP’s call for a moratorium on charter schools;<sup>121</sup>



in 2016, Martin Luther King III defended Florida’s tax-credit program, claiming: “The freedom to choose for your family is ... about justice. About righteousness.”<sup>122</sup>

More extraordinary still was the role of Florida’s activist parents in the 2018 elections. An article in the *Wall Street Journal*, “School-Choice Moms’ Tipped the Governor’s Florida Race,” reported that Republican Ron DeSantis won the election thanks to 100,000 African-American mothers whose votes endorsed the school-choice candidate. He also received 44% of the Latino vote for the same reason.<sup>123</sup>

As American school systems slowly transition toward educational pluralism, policymakers can learn from

the negative and positive examples that have been set around the world. How do we ensure equitable access to high-quality schools? What are the mechanisms that generate continuous improvement in schools of all types? How do we balance distinctive school cultures and meaningful public assurances of quality? What are the educational conditions that best support social cohesion and civic formation? What are the limits that we should set upon school cultures? Policymakers, practitioners, and scholars in the world’s plural systems have long wrestled with these core concerns. We have everything to gain from looking to them for guidance.



## Endnotes

- <sup>1</sup> Numerous studies suggest such connections, including David Salisbury and James Tooley, eds., *What America Can Learn from School Choice in Other Countries* (Washington, D.C.: Cato Institute, 2005); Martin West, "Education and Global Competitiveness," in *Rethinking Competitiveness*, ed. Kevin A. Hassett (Washington, D.C.: American Enterprise Institute, 2012); Ray Pennings, *Cardus Education Survey* (Hamilton, Ont.: Cardus, 2011); Ray Pennings, David Sikkink, and Ashley Berner, "Cardus Education Survey 2014: Private Schools for the Public Good," Sept. 10, 2014; David Campbell, "The Civic Side of School Choice: An Empirical Analysis of Civic Education in Public and Private Schools," *Brigham Young University Law Review*, no. 2 (2008): 487–524; Patrick J. Wolf, "Civics Exam: Schools of Choice Boost Civic Values," *Education Next* 7, no. 3 (Summer 2007): 67–72.
- <sup>2</sup> For a discussion of the philosophical and political framework for educational pluralism, see Ashley Berner, *Pluralism and American Public Education: No One Way to School* (New York: Palgrave MacMillan, 2017), chaps. 2 and 3.
- <sup>3</sup> Charles Glenn, "Segregated Schools and Virtuous Markets," *International Journal for Education Law and Policy* 5 (2009): 10–23; idem, "Are Educational Freedom and Social Integration Enemies?" *International Journal for Education Law and Policy* 5 (2009): 24–36.
- <sup>4</sup> Anders Böhlmark and Mikael Lindahl, "Independent Schools and Long-Run Educational Outcomes Evidence from Sweden's Large Scale Voucher Reform," *Economica* 82, no. 327 (2015): 503–51.
- <sup>5</sup> Michael Barber, Chinezi Chijioke, and Mona Mourshed, "How the World's Most Improved School Systems Keep Getting Better," McKinsey & Co., November 2010.
- <sup>6</sup> Charles Glenn, "What the United States Can Learn from Other Countries," in *What America Can Learn from School Choice in Other Countries*, ed. Salisbury and Tooley, 79–90.
- <sup>7</sup> Elizabeth Green and Trevor Cooling, *Mapping the Field: A Review of the Current Research Evidence on the Impact of Schools with a Christian Ethos* (London: Theos, 2009).
- <sup>8</sup> See Berner, *Pluralism and American Public Education*, chap. 6.
- <sup>9</sup> Research on these two factors is extensive and both domestic and international. For a synopsis, see Berner, *Pluralism and American Public Education*, chap. 5; idem, "How School Culture Drives Civic Knowledge and Shapes the Next Generation of Citizens," *The 74 Million* (blog), Apr. 18, 2017.
- <sup>10</sup> For a thorough discussion of this transition and its results, see Berner, *Pluralism and American Public Education*, chap. 7.
- <sup>11</sup> Glenn, "What the United States Can Learn from Other Countries"; Kevin Donnelly, "Regulation and Funding of Independent Schools: Lessons from Australia," Fraser Institute, Jan. 10, 2017.
- <sup>12</sup> Ashley Berner, "Funding Schools," in *Balancing Freedom, Autonomy and Accountability in Education*, ed. Charles Glenn, Jan De Groof, and Cara Stillings Candal (Tilburg, Netherlands: Wolf Legal Publishers, 2012), 1:115–29.
- <sup>13</sup> Barber et al., "How the World's Most Improved School Systems Keep Getting Better."
- <sup>14</sup> The resources in this field are considerable. The most extensive come from an ongoing project of the European Association of Education Law and Policy. See, e.g., Glenn et al., *Balancing Freedom, Autonomy and Accountability*.
- <sup>15</sup> Education tax credits are also constitutional at the federal level, for the same reason.
- <sup>16</sup> See J. P. Viteritti, "Reading *Zelman*: The Triumph of Pluralism and Its Effects on Liberty, Equality, and Choice," *Southern California Law Review* 76, no. 5 (July 2003): 1105–88.
- <sup>17</sup> See John Witte, Jr., and Joel A. Nichols, *Religion and the American Constitutional Experiment* (New York: Oxford University Press, 2016).
- <sup>18</sup> Richard D. Komer and Clark Neily, *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, 2nd ed. (Washington, D.C.: Institute for Justice, 2016).
- <sup>19</sup> Sam Dillon, "Florida Supreme Court Strikes Down School Voucher Program," *New York Times*, Jan. 5, 2006. For a complete list of state constitutional prohibitions, see Witte and Nichols, *Religion and the American Constitutional Experiment*, pp. 300–302.
- <sup>20</sup> *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).
- <sup>21</sup> Todd Ziebarth and Louann Bierlein Palmer, "Measuring Up to the Model: A Ranking of State Public Charter School Laws," National Alliance for Public Charter Schools, Jan. 29, 2018; Chad Aldeman et al., "An Independent Review of ESSA State Plans: Maryland," Bellwether Education Partners, Dec. 12, 2017; American Federation for Children, "2017–2018: School Choice Guidebook."
- <sup>22</sup> See Charles Glenn, *The Myth of the Common School* (Amherst: University of Massachusetts Press, 1988); Philip Hamburger, *Separation of Church and State* (Cambridge, Mass.: Harvard University Press, 2002).
- <sup>23</sup> Charles Taylor, *A Secular Age* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2007).
- <sup>24</sup> Parliament's initial funding for national education was achieved in 1833 on the grounds that as voting rights expanded, so should the intellectual capacities of the electorate. See J. A. Roebuck, "National Education," Hansard § vol. 20. Thomas Jefferson made a similar case in his argument for Virginia's educational system; see "79. A Bill for the More General Diffusion of Knowledge, 18 June 1779," National Archives, Founders Online. For more on OECD countries' current concern for democratic formation, see Berner, *Pluralism and American Public Education*, chap. 5.
- <sup>25</sup> Wolfram Schulz et al., "ICCS 2009 International Report: Civic Knowledge, Attitudes, and Engagement Among Lower-Secondary School Students in 38 Countries," International Association for the Evaluation of Educational Achievement, 2009.
- <sup>26</sup> Wolfram Schulz et al., *Becoming Citizens in a Changing World: IEA International Civic and Citizenship Education Study 2016 International Report* (Cham, Switzerland: Springer International, 2018).

- <sup>27</sup> Specifically, community service, civic skills, political knowledge, political tolerance, social capital (“the extent to which a person is networked within their community”), political participation (voting, writing government representatives), and patriotism (“a visceral positive connection to one’s country and respect for its national symbols and rituals”).
- <sup>28</sup> Wolf, “Civics Exam.”
- <sup>29</sup> Campbell, “The Civic Side of School Choice.”
- <sup>30</sup> David Sikkink and Jonathan Schwartz, “The Lasting Impact of High School on Giving and Volunteering in the U.S.,” Notre Dame University, Cardus Religious Schools Initiative, February 2017.
- <sup>31</sup> Ivan Moreno, “US Charter Schools Put Growing Numbers in Racial Isolation,” *AP News* (blog), Dec. 3, 2017.
- <sup>32</sup> Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo, “How Racially Diverse Schools and Classrooms Can Benefit All Students,” Century Foundation, February 2016; Stephen B. Billings, David J. Deming, and Jonah Rockoff, “School Segregation, Educational Attainment, and Crime: Evidence from the End of Busing in Charlotte-Mecklenburg,” *Quarterly Journal of Economics* 129, no. 1 (February 2014): 435–76.
- <sup>33</sup> Max Marchitello and Kaitlin Pennington, “School Choice and Integration: Together, They Can Disrupt Deep-Seated Inequities in Our Public School System,” *The 74 Million* (blog), July 24, 2018. On the counterevidence, see the discussion of Boston charter schools in “Urban Charter School Study: Report on 41 Regions,” Stanford University, Center for Research on Education Outcomes (CREDO), 2015. On the district sector, see Karin Chenoweth, *It’s Being Done: Academic Success in Unexpected Schools* (Cambridge, Mass.: Harvard Education Press, 2007).
- <sup>34</sup> Erin Hinrichs, “Why Charter School Advocates Have Mixed Feelings About the State Supreme Court’s Integration Decision,” minnpost.com, July 26, 2018.
- <sup>35</sup> For thoughtful discussions on this issue, see Amadou Diallo, “Howard Fuller’s Growing Movement to Expand Black-Controlled Schools,” *The Hechinger Report*, Nov. 16, 2018; Marchitello and Pennington, “School Choice and Integration.”
- <sup>36</sup> While “choice” and “competition” appeal to some constituents, such terms inadvertently minimize the public aspects of education and alienate left-of-center pluralists. Moreover, it is not even clear that competition per se causes better results. See, e.g., David N. Figlio and Cassandra M. D. Hart, “Competitive Effects of Means-Tested School Vouchers,” NBER Working Paper no. 16056, June 2010.
- <sup>37</sup> For case studies on the barriers to the use of research in policy and practice, see Kara S. Finnigan and Alan J. Daly, eds., *Using Research Evidence in Education* (Cham, Switzerland: Springer International, 2014). For a summary, see Ashley Berner, “Using Research Evidence in Education: From the Schoolhouse Door to Capitol Hill,” Edited by Kara S. Finnigan and Alan J. Daly,” *Journal of School Choice* 10, no. 2 (April 2016): 273–75.
- <sup>38</sup> For examples, see Chester E. Finn, Bruno V. Manno, and Brandon L. Wright, *Charter Schools at the Crossroads: Predicaments, Paradoxes, Possibilities* (Cambridge, Mass.: Harvard Education Press, 2016), pp. 37–51.
- <sup>39</sup> For a summary of these findings, see Berner, *Pluralism and American Public Education*, chaps. 5 and 6.
- <sup>40</sup> Stephen Macedo and Patrick Wolf, “Introduction: School Choice, Civic Values, and Problems of Policy Comparison,” in *Educating Citizens: International Perspectives on Civic Values and School Choice*, ed. Stephen Macedo and Patrick Wolf (Washington, D.C.: Brookings Institution, 2004), p. 12.
- <sup>41</sup> Glenn, “What the United States Can Learn from Other Countries,” p. 83.
- <sup>42</sup> Anthony S. Bryk, Valerie E. Lee, and Peter Blakeley Holland, *Catholic Schools and the Common Good* (Cambridge, Mass.: Harvard University Press, 1993).
- <sup>43</sup> Chenoweth, *It’s Being Done*.
- <sup>44</sup> Scott Seider, *Character Compass: How Powerful School Culture Can Point Students Toward Success* (Cambridge, Mass.: Harvard Education Press, 2012).
- <sup>45</sup> The U.K. requires that schools make public their “ethos and values.” See “What Maintained Schools Must Publish Online,” gov.uk.
- <sup>46</sup> Adriana Villavicencio and William Marinell, “Inside Success: Strategies of 25 Successful High Schools,” New York University, Research Alliance for New York City Schools, July 2014.
- <sup>47</sup> Robin Lake, “What Other Cities and School Districts Can Learn from San Antonio’s Classroom Innovations,” *The 74*, Oct. 2, 2018; *The 74*, “Video Tour: Meet the Educators and Parents Leading San Antonio’s Push for Integrated Schools,” Oct. 9, 2018.
- <sup>48</sup> See, e.g., the framework that is used by Chicago Public Schools: Joshua Klugman et al., “A First Look at the 5 Essentials in Illinois Schools,” University of Chicago Consortium on Chicago School Research, June 2015; or the work by the National School Climate Center.
- <sup>49</sup> “School Membership,” Council of International Schools.
- <sup>50</sup> Adventist Education, “Resources for Administrators,” and “About Us.”
- <sup>51</sup> Grover Whitehurst, “Don’t Forget Curriculum,” *Brown Center Letters on Education*, Brookings Institution, October 2009; Ulrich Boser, Matthew Chingos, and Chelsea Straus, “The Hidden Value of Curriculum Reform,” *Center for American Progress*, October 2015; Chiefs for Change, “Hiding in Plain Sight: Leveraging Curriculum to Improve Student Learning,” Aug. 10, 2017.
- <sup>52</sup> Thomas Kane et al., “Teaching Higher: Educators’ Perspectives on Common Core Implementation,” *Center for Education Policy Research*, Harvard University, February 2016; Thomas J. Kane, “Never Judge a Book by Its Cover—Use Student Achievement Instead,” *Brookings Institution* (blog), Mar. 3, 2016.
- <sup>53</sup> David Blazar et al., “Learning by the Book,” *Center for Education Policy Research*, Harvard University, March 2019; David Steiner and Thomas Kane, “Don’t Give Up on Curriculum Reform Just Yet,” *Education Week*, Apr. 1, 2019.
- <sup>54</sup> Mathematica Policy Research, “Evaluation of Expeditionary Learning Education Middle Schools,” Sept. 17, 2013.

- <sup>55</sup> “CSRQ Center Report on Elementary School Comprehensive School Reform Models,” American Institutes for Research, Comprehensive School Reform Quality Center, November 2006; J. G. Taylor, *Core Knowledge: Its Impact on the Curricular and Instructional Practices of Teachers and on Student Learning in an Urban School District* (Fort Lauderdale, Fla.: Nova Southeastern University, 2000); Sam Stringfield et al., “National Evaluation of Core Knowledge Sequence Implementation: Final Report,” Johns Hopkins University Center for Research on the Education of Students Placed at Risk, December 2000.
- <sup>56</sup> For a summary of this research, see Chiefs for Change, “Hiding in Plain Sight.”
- <sup>57</sup> The nations that require this include Australia, Bosnia, U.K., Finland, France, Georgia, Hungary, Iceland, Ireland, India, Luxembourg, Singapore, and South Africa. Some countries also require funded schools to administer national or provincial exams that reflect the curriculum. See Glenn et al., *Balancing Freedom, Autonomy and Accountability*. Many of these systems also differentiate educational pathways at the high school level; see Al Passarella, “The Necessary Component of an Effective Career and Technical Education (CTE) Program,” Policy Brief, Johns Hopkins Institute for Education Policy, Feb. 26, 2018.
- <sup>58</sup> For a summary of the historical, constitutional, and ideological reasons, see Ashley Berner, “Education for the Common Good,” *Education Next* (blog), Nov. 30, 2017.
- <sup>59</sup> Julia Kaufman, Lindsay Thompson, and V. Darleen Opfer, “Creating a Coherent System to Support Instruction Aligned with State Standards: Promising Practices of the Louisiana Department of Education,” RAND Corporation, September 2016; Robert Pondiscio, “Louisiana Threads the Needle on Ed Reform: Launching a Coherent Curriculum in a Local-Control State,” *Education Next* 17, no. 4 (Fall 2017): 9–15; Ashley Berner, “The Promise of Curriculum: Recent Research on Louisiana’s Instructional Reforms,” *Johns Hopkins Institute for Education Policy* (blog), Nov. 14, 2016.
- <sup>60</sup> Large districts sometimes require a high EdReports ranking as a criterion in textbook adoptions; nonpublic schools that use published curricula could do the same. See Johns Hopkins Institute for Education Policy, “Using the RFP Process to Drive High-Quality Curriculum: Findings from the Field,” October 2018.
- <sup>61</sup> Aspen Institute, “Improving Access to High-Quality Instructional Materials”; Ross Wiener and Susan Pimentel, “Practice What You Teach: Connecting Curriculum and Professional Learning in Schools,” Aspen Institute, April 2017; Chiefs for Change, “Choosing Wisely: How States Can Help Districts Adopt High-Quality Instructional Materials,” Apr. 30, 2019.
- <sup>62</sup> Aspen Institute, “Improving Access to High-Quality Instructional Materials.”
- <sup>63</sup> Anthony M. Roselli, “Chapter 2: A Close Look at Reform in One State: The Massachusetts Experiment,” *Counterpoints* 283 (2005): 23–40; Elaine Wisley Reed, “A New Professionalism for Massachusetts Teachers: Six Constituencies at Work,” *Journal of Education* 180, no. 1 (January 1998): 79–88; Sandra Stotsky, *An Empty Curriculum: The Need to Reform Teacher Licensing Regulations and Tests* (New York: Rowman & Littlefield, 2015).
- <sup>64</sup> See gov.uk, “What Maintained Schools Must Publish Online.”
- <sup>65</sup> David Steiner, “Curriculum Literacy: What It Is and Why It Matters,” Johns Hopkins Institute for Education Policy, Oct. 31, 2018.
- <sup>66</sup> America is a “nation of immigrants,” but we’re not alone. A full 21% of K–12 students in the U.S. are immigrants, but so are 29% in Canada, 26% in New Zealand, and 23% in Australia. Switzerland, Lichtenstein, Hong Kong, and Luxembourg also have higher percentages of immigrant students (24%, 33%, 35%, and 46%, respectively) than the U.S., and, like the U.S., these countries 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; see Organisation for Economic Co-operation and Development, *PISA 2012 Results: Excellence Through Equity* (Paris: OECD, 2013), vol. 2.
- <sup>67</sup> “Allen E. Parker, “Avoiding Government Regulation,” Texas Public Policy Foundation, Sept. 16, 2014; Jay Greene, “The High-Regulation Approach to School Choice,” *Jay P. Greene’s Blog*, Oct. 1, 2015.
- <sup>68</sup> This is particularly true of families that have been habituated *not* to choose, of first-generation families, and of undocumented families. See Patrick Wolf’s description of the learning process that parents go through as they engage with choice systems, in Thomas Stewart and Patrick J. Wolf, *The School Choice Journey: School Vouchers and the Empowerment of Urban Families* (New York: Palgrave MacMillan, 2014). See also the parent support network Families Empowered in Texas, a 24-hour hotline to help parents find the right fit for their child.
- <sup>69</sup> See Kevin Huffman, “An Ed Commissioner’s Confession: How I Tried (and Failed) to Close the Worst School in Tennessee,” *The 74 Million* (blog), June 16, 2016.
- <sup>70</sup> *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).
- <sup>71</sup> *Runyon v. McClary*, 427 U.S.160 (1976). Language in *Runyon* included: “While parents have a constitutional right to send their children to private schools and to select private schools that offer specialized instruction, they have no constitutional right to provide their children with private school education unfettered by reasonable government regulation.” See also Bobbie Plough, “School Board Governance and Student Achievement: School Board Members’ Perceptions of Their Behaviors and Beliefs,” *Educational Leadership and Administration: Teaching and Program Development* 25 (March 2014): 41–53.
- <sup>72</sup> See, e.g., New York State Education Department, “100.2 General School Requirements,” October 2015.
- <sup>73</sup> 18 U.S. Code § 2385—Advocating Overthrow of Government.
- <sup>74</sup> Berner, *Pluralism and American Public Education*, chap. 6; idem, “Psychological Harm and School Choice,” *The Flypaper at Thomas B. Fordham Institute* (blog), Aug. 15, 2017.
- <sup>75</sup> *Loyola High School v. Quebec (Attorney General)* [2015] 1 SCR 613. The plaintiffs in this case—a Jesuit independent school and one of its families—agreed with ERC’s aims of “recognition of others, pursuit of the common good ... and an informed understanding of religion.” But they could not accept its underlying assumption that “the secular is a space, or rather a time, in which God is not to be considered or in which belief in God somehow does not matter.”
- <sup>76</sup> “Supreme Court Rules Quebec Infringed on Loyola High School’s Religious Freedom,” CBC, Mar. 19, 2015.
- <sup>77</sup> Nicole Stelle Garnett, “The Legal Landscape of Parental-Choice Policy,” American Enterprise Institute, November 2015, pp. 12, 13.

- <sup>78</sup> 2017–2018: *School Choice Guidebook* (Washington, D.C.: American Federation for Children, 2018).
- <sup>79</sup> This is a consequence of Indiana’s regulations involving high school athletics, not of legislation pertaining to the scholarship program itself.
- <sup>80</sup> 2017–2018: *School Choice Guidebook*.
- <sup>81</sup> C. Kirabo Jackson, “What Do Test Scores Miss? The Importance of Teacher Effects on Non–Test Score Outcomes,” NBER Working Paper no. 22226, May 2016 (rev. November 2016).
- <sup>82</sup> Helen F. Ladd, “Now Is the Time to Experiment with Inspections for School Accountability,” Brookings Institution, May 26, 2016; Chad Aldeman, *Grading Schools: How States Should Define “School Quality” Under the Every Student Succeeds Act* (Washington, D.C.: Bellwether Education Partners, 2016).
- <sup>83</sup> Ashley Berner, “Would School Inspections Work in the United States?” *Johns Hopkins Institute for Education Policy* (blog), Sept. 14, 2017.
- <sup>84</sup> New York State Education Department, Charter School Office, “Charter School Mid-Term Site Visit Protocol 2015–2016.”
- <sup>85</sup> See, e.g., Alabama Department of Education, “On-Site Compliance Review Manual, 2011–2012”; California Department of Education, School Turnaround Office, “School Improvement Grant On-Site Reviews,” Nov. 7, 2016.
- <sup>86</sup> Marisa de la Torre et al., “School Closings in Chicago: Understanding Families’ Choices and Constraints for New School Enrollment,” University of Chicago, Consortium on School Research, January 2015. Not all parents chose the designated schools, however; proximity and other concerns meant that about one-third of students attended lower-performing schools.
- <sup>87</sup> Vanessa Coca et al., “Working to My Potential: The Postsecondary Experiences of CPS Students in the International Baccalaureate Diploma Programme,” March 2012; Ashley Berner and David Steiner, “Chicago’s Use of the International Baccalaureate: An Educational Success Story That Didn’t Travel,” *Johns Hopkins Institute for Education Policy* (blog), Oct. 14, 2015.
- <sup>88</sup> Lake, “What Other Cities and School Districts Can Learn from San Antonio’s Classroom Innovations.”
- <sup>89</sup> Carrie Borkoski, “Receivership in Lawrence, Massachusetts: Problems, Possibilities, and Progress,” *Johns Hopkins Institute for Education Policy* (blog), May 16, 2016.
- <sup>90</sup> Some state authorizing laws, conversely, do a poor job of ensuring quality. See National Association of Charter School Authorizers, “States at a Glance: Charter School States and Their State Policy Scores,” 2016.
- <sup>91</sup> “Charter Management Organizations 2017,” CREDO.
- <sup>92</sup> For a report that ranks state charter laws, see Todd Ziebarth, “Measuring Up to the Model: A Ranking of State Public Charter School Laws 2019,” National Alliance for Public Charter Schools.
- <sup>93</sup> Nadra Kareem Nittle, “Why School Funding Will Always Be Imperfect,” *Atlantic*, Aug. 24, 2016.
- <sup>94</sup> Erica L. Green, “City Charter Schools File Lawsuit Against School System over Funding,” *Baltimore Sun*, Sept. 10, 2015; External Relations, “Colorado and Florida Pass Breakthrough Laws to Close Charter-School Funding Gap,” *Education Next* (blog), Jan. 17, 2018.
- <sup>95</sup> See William G. Howell et al., “School Vouchers and Academic Performance: Results from Three Randomized Field Trials,” *Journal of Policy Analysis and Management* 21, no. 2 (March 2002): 191–217. In Howell’s nationally representative study of private-school scholarship recipients, 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.
- <sup>96</sup> Florida Department of Education, Office of Funding and Financial Reporting, “2018–19 Funding for Florida School Districts”; Bruce D. Baker, David G. Sciarra, and Danielle Farrie, “Is School Funding Fair? A National Report Card,” Rutgers University, Education Law Center, February 2018.
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- <sup>98</sup> “Illinois Passes Landmark Funding Bill Creating Tax Credit Scholarship, Sending More Money to Poor Schools,” *The 74 Million* (blog), Aug. 30, 2017.
- <sup>99</sup> Marc L. Stein et al., “Getting to High School in Baltimore: Student Commuting and Public Transportation,” Baltimore Education Research Consortium, January 2017.
- <sup>100</sup> Kelly Siegel-Stechler, “Solving the School-Transportation Challenge: What Cities Can Do to Help,” *Johns Hopkins Institute for Education Policy* (blog), May 5, 2017.
- <sup>101</sup> Johns Hopkins Institute for Education Policy, “What City Leaders Need to Know about Transportation and Education”; Aug. 1, 2018; Monte Whaley, “Denver Public Schools Bus System Leaves Many Students Arranging Their Own Way to Campus,” *Denver Post*, Dec. 16, 2017.
- <sup>102</sup> Ashley Jochim et al., “How Parents Experience Public School Choice,” Making School Choice Work Series, Center on Reinventing Public Education, December 2014, p. 1.
- <sup>103</sup> Ashley Jochim, “Lessons from the Trenches on Making School Choice Work,” Brookings Institution, Aug. 12, 2015.
- <sup>104</sup> Patrick J. Wolf and Thomas Stewart, “The Evolution of Parental School Choice,” in *Customized Schooling: Beyond Whole-School Reform*, ed. Frederick Hess and Bruno V. Manno (Cambridge, Mass.: Harvard Education Press, 2011), pp. 91–105.
- <sup>105</sup> Glenn, “Segregated Schools and Virtuous Markets,” pp. 18–20.
- <sup>106</sup> David S. Deming et al., “School Choice, School Quality and Post-Secondary Attainment,” NBER Working Paper no. 17438, September 2011.
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- <sup>110</sup> See, e.g., “How Many Students Either Exit or Transfer Within the NYC School System in a Single Year?” New York City Independent Budget Office (blog), Oct. 2, 2017.
- <sup>111</sup> Richard Welsh, “School Hopscotch: A Comprehensive Review of K–12 Student Mobility in the United States,” *Review of Educational Research* 87, no. 3 (October 2017): 475–511.
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