

Michael Guo-Brennan

# Community Engagement for Better Schools

Guaranteeing Accountability,  
Representativeness and Equality

 Springer

# Community Engagement for Better Schools

Michael Guo-Brennan

# Community Engagement for Better Schools

Guaranteeing Accountability,  
Representativeness and Equality

 Springer

Michael Guo-Brennan  
Troy University  
Troy, AL, USA

ISBN 978-3-030-54037-1                      ISBN 978-3-030-54038-8 (eBook)  
<https://doi.org/10.1007/978-3-030-54038-8>

© Springer Nature Switzerland AG 2020

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors, and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Springer imprint is published by the registered company Springer Nature Switzerland AG  
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

*To Linyuan, Alex, and Ava*

# Preface

Throughout American history, access to a proper basic education has been central to the ability of individuals to rise above their situation. Those born to disadvantage, through hard work and access to good schools, are believed to be able to overcome their circumstances and lift themselves above their disadvantage. The struggle to guarantee access has dominated education reform for well over 100 years. This text examines that struggle, including efforts by the national, state, and local governments to guarantee public access, public funding, and public governance as a means to achieve accountability, representativeness, and equality for all.

Most nations have declared free basic education a right in their national constitutions. For many that do not, they have ratified and accepted the United Nations Convention on the Rights of the Child which protects a child's right to education. Unlike most of these nations, the US Constitution makes no mention of education or of children's rights. While the USA has signed on to the UN Convention, it has not ratified it and is not a party to it. Despite this apparent contradiction, as will be demonstrated in the pages that follow, the federal government values education, invests hundreds of millions of dollars every year, and strives to improve educational access and student performance for all children.

The reason for this dilemma? Unlike many other nations, including most OECD members, education in the USA is largely viewed as an issue best left to state and local officials. While the federal government assures equitable resources, the majority of funding for schools is generated at the state and local levels. In most cities across the country, schools are financed largely by local property taxes. This can lead to great disparities between school districts within the same metropolitan region. For this reason, the federal government may intervene and put in place more equitable funding mechanisms or provide additional funding for disadvantaged students. Higher levels government may also intervene in local schools to assure equalized access to reduce economic and racial disparities in schools. This can lead to resentment and efforts by local actors to resist these change. At other times, reform efforts are resisted by those within the schools, especially when reform threatens the status quo and may reduce the power of the educational establishment as occurs when parents are given greater opportunities to select an alternative school for their

child. This can lead to coalitions or regimes of actors to organize around efforts for improving schools or to mitigate the impact of change mandated by the courts or higher levels of government. Much of this text is devoted to discussion around regime change.

The text is divided into five parts. Part I introduces and discusses the role and purpose of education in democratic society. Chapter 1 discusses the role of government as the provider of education services and the guarantee of public access, public funding, and public governance to achieve accountability, representativeness, and equality. Chapter 2 looks at the role of governing regimes and the important role citizens play in local governance. Chapter 3 considers the important role of local actors and the significance of community engagement to improve schools, including how local actors engage to support or fight against various change efforts. Much school reform is set against the backdrop of racial and economic disparities between and within school districts. Chapter 4 examines the role of race, class, and housing in schools and school improvement efforts. The final chapter in this first part frames change efforts into either incremental process driven, first-order change or second-order structural, systematic change.

Part II examines the history of American education policy, from pre-colonial private schools and the earliest pauper schools in the colonies to present-day efforts which focus on accountability and standardized testing. Chapter 6 provides a brief chronology of education policies designed to develop early public schools and then efforts to make them easily available to all students, regardless of race or class. Chapter 7 picks up where Chap. 6 left off to discuss contemporary efforts to improve accountability and access through school choice. Part III includes Chaps. 8 and 9 and introduces the significance of markets and a competitive system for education. Chapter 8 discusses how other nations have implemented change that includes greater parental choice and competition while Chap. 9 provides a detailed discussion of arguments against implementing a broader framework of competition and choice.

Part IV features three chapters that take a deep dive into efforts to expand parental choice through case studies of two American cities that have long histories of locally driven school reform. Chapter 10 examines efforts of a regime led by Chicago business leaders to reform Chicago Public Schools by decreasing the power of teachers and the central school district first through greater local controls for parents and then by centralizing all authority over the schools to the Mayor. Chapter 11 measures reform efforts by a community development based regime to introduce the first in the nation school voucher program for low-income families.

Reform in both Chicago and Milwaukee began in the late 1980s; however, they still significantly impact public schools today. Chapter 12 measures the perceptions of those on the ground today in Chicago and Milwaukee. Through surveys, and individual in-depth interviews, various actors provided their thoughts and beliefs about the state of education in each of their cities, including the role of choice and the importance of including a diverse set of players in efforts to improve schools.

The final two chapters comprise Part V. These chapters consider the significance of accountability in an effort to establish a market for education. Chapter 13

examines the role of standardized testing as a measure to hold teachers, principals, and schools accountable for their students' performance. As an alternative to high-stakes testing, the concept of inspections and accreditation that is common in higher education and non-profit organizations is introduced. Chapter 14 concludes the text by establishing the framework necessary to develop a true market for education that retains the government as provider of education services, which in turn guarantees access, funding, and governance while at the same time opens up production of education services so that the supply of services is more in line with the demand of education services to better achieve accountability, representativeness, and equality for all.

Troy, AL, USA

Michael Guo-Brennan



# Contents

## Part I Good Schools, Good Government, and Good Cities

<b>1</b>	<b>Government as Provider of Education Services.</b> . . . . .	3
	A Government Guarantee . . . . .	5
	Guaranteeing Public Access . . . . .	5
	Guaranteed Public Funding. . . . .	6
	Guaranteeing Public Governance . . . . .	7
	Education as a Public Good? . . . . .	8
	Government as Provider and Exclusive Producer of Education? . . . . .	9
	Education as a Worthy Good. . . . .	10
	Separating Production and Provision Through Choice. . . . .	11
	What Is School Choice? . . . . .	13
	Giving Parents Choice . . . . .	15
	References. . . . .	16
<b>2</b>	<b>The Urban Regime and City Schools: Building Change.</b> . . . . .	19
	An Active Citizenry . . . . .	20
	Regime Theory . . . . .	21
	Managing Obstacles . . . . .	23
	Criticism of Regime Analysis. . . . .	24
	Changing Regimes and a Diffuse Agenda . . . . .	25
	Regime Types . . . . .	26
	Regime Typology and Urban Schools. . . . .	28
	References. . . . .	31
<b>3</b>	<b>Community Engagement and the Education Regime.</b> . . . . .	35
	Failure to Guarantee Accountability, Responsiveness, and Equality . . . . .	37
	Maintaining the Status Quo . . . . .	37
	Mandated Top-Down Change. . . . .	38
	Voluntary Bottom-Up Change . . . . .	40
	Matching Intervention Typology to the Regime Typology. . . . .	41
	Reform Through Mandated Change . . . . .	41

Reform Through Legally Imposed Court Decisions . . . . .	42
Reform Through State Takeovers . . . . .	46
Reform Through Legislation . . . . .	50
Reform Through Bottom-Up Change: The Detroit Market Regime . .	50
References . . . . .	52
<b>4 Good Schools for Good Development: Race, Class, and Housing . . .</b>	<b>57</b>
Geography of Opportunity . . . . .	58
Place, Race, and Class . . . . .	59
Urban Development . . . . .	60
Planning and Zoning . . . . .	65
Housing and Education . . . . .	66
School Performance and Housing Price . . . . .	67
Attractive People and Jobs . . . . .	68
Combating Socioeconomic Segregation Through School Choice . . .	69
References . . . . .	72
<b>5 First- and Second-Order Change . . . . .</b>	<b>75</b>
Education to Improve Society . . . . .	76
Defining Change . . . . .	77
First-Order Reform . . . . .	78
Limitations of Incrementalism . . . . .	79
Making Change Traditional Style . . . . .	80
Elements of Traditional First-Order Incremental Reform . . . . .	81
Second-Order Reform . . . . .	84
New Rules and New Systems . . . . .	85
Elements of Second-Order Structural Change . . . . .	86
Increasing Choice . . . . .	87
References . . . . .	91
 <b>Part II Change, Change, and More Change</b>	
<b>6 A Chronology of School Reform . . . . .</b>	<b>97</b>
The Development of American Schools . . . . .	98
Increasing Access and Representativeness . . . . .	98
Common Schools . . . . .	99
Who Should Attend, What School, and What Should They Learn? . . . . .	101
Competing Interests . . . . .	101
Progressive Education Reform . . . . .	102
A New Country for a New Century . . . . .	103
Centralizing Authority . . . . .	104
The Rise in Federal Influence Since World War II . . . . .	105
Sputnik and the Red Scare . . . . .	105
Elementary and Secondary School Act . . . . .	106
Coleman Report . . . . .	106

A Nation at Risk . . . . . 108

    A People at Risk . . . . . 108

References. . . . . 111

**7 The Rise of School Choice: Leaving No Child Behind**

**So Every Student Succeeds . . . . . 115**

A Nation at Risk . . . . . 117

Leaving No Child Behind. . . . . 119

    Failure of NCLB . . . . . 119

Making Sure Every Student Succeeds . . . . . 120

    Racing to Washington . . . . . 121

    Leaving Behind No Child Left Behind. . . . . 122

Limited Access to Public Choice Schools . . . . . 123

Expanding Choice. . . . . 126

    Civic Engagement. . . . . 127

References. . . . . 134

**Part III Introducing a Market for Education**

**8 Building a Competitive System . . . . . 141**

Separating Provision from Production . . . . . 142

    Marketizing Education . . . . . 144

Market Mechanisms in Other Countries. . . . . 145

Why Not Privatize All the Schools? . . . . . 147

Meeting Demand. . . . . 148

Regulated Market . . . . . 150

The Return of the Unions . . . . . 152

The Competitive System of New Orleans. . . . . 153

References. . . . . 156

**9 Arguments Against Choice. . . . . 159**

Argument: Choice Results in Skimming . . . . . 160

    Reducing and Mitigating Segregation. . . . . 163

    Segregation and Self-Selection. . . . . 164

Argument: Choice Negatively Impacts Public School Funding . . . . . 164

Argument: Only Involved Parents Access Choice Options. . . . . 168

Argument: Choice Does Not Produce Positive Performance . . . . . 171

References. . . . . 174

**Part IV Big City Schools, Local Actors, and Change on the Ground**

**10 Chicago and Corporate-Led Reform . . . . . 179**

School Reform in Chicago . . . . . 180

    History of School Reform Efforts in Chicago . . . . . 180

    Mitigating Factors in Reform: Mismanagement  
    and Financial Problems. . . . . 182

    Post “A Nation at Risk” Reforms in Chicago. . . . . 184

Chicago Public School Act of 1988 . . . . . 187

    Expanding the Regime . . . . . 188

1995 Reform Yet Another Approach. . . . . 188

    Other Reforms Advocated by Business Community . . . . . 190

    Business Elite and the Economic Development Regime . . . . . 190

Renaissance 2010 and Charter Schools . . . . . 191

Conclusions. . . . . 194

References. . . . . 196

**11 Milwaukee and Parental Choice . . . . . 199**

    The Local Regime. . . . . 200

    Reform Efforts in Milwaukee . . . . . 201

    Milwaukee as the “Regimeless City” . . . . . 202

        Post-World War II: A Time of Growth . . . . . 202

        School Reforms of the 1970s and 1980s. . . . . 203

    Creating an Education Market: The Milwaukee Parental  
    Choice Program . . . . . 205

    Increasing the Education Market: Charter Schools . . . . . 208

    Conclusion . . . . . 209

    References. . . . . 211

**12 Perceptions of Stakeholders in School Reform. . . . . 215**

    Performance Is Only Part of the Story . . . . . 216

        Who Should Be Involved . . . . . 218

        Obstacles to Reform . . . . . 220

        Who Is Best to Fix the System? . . . . . 222

        Preferred Reforms. . . . . 224

        Support for a Competitive System . . . . . 233

    Testing the Results . . . . . 234

    References. . . . . 235

**Part V Guaranteeing Accountability Through Choice**

**13 Redefining Accountability . . . . . 239**

    From Access to Accountability . . . . . 241

        The Problem with the Existing Accountability System . . . . . 242

    A New Framework for Accountability . . . . . 244

        Criticism of Standardized Testing . . . . . 244

        Standardized Tests Really Don’t Matter . . . . . 245

        Considering Other Models of Accountability . . . . . 247

        Accountability in Other Countries . . . . . 247

    An American Inspectorate. . . . . 252

        Inspections Are Nothing New . . . . . 253

        Inspections Are Common in the United States Today in Other Fields  
        Building a Better Way. . . . . 256

    From Accountability to Accountability 2.0. . . . . 260

    References. . . . . 261

- 14 Creating a Market for Education** ..... 265
  - Making a Competitive System ..... 269
    - Demand ..... 269
    - Limited Regulatory Framework to Protect Consumers ..... 270
    - Ease of Entry for Producers ..... 272
    - Independence for Producers from Excessive Government Controls . 273
    - Equalized Funding ..... 274
    - Accountability ..... 276
  - Creating Real Accountability in the World of Choice ..... 278
    - Accreditation Is the Price of Admission ..... 278
  - Civic Engagement, Accountability 2.0, and a Competitive Market .... 279
  - References ..... 281
  
- Index** ..... 283

# List of Figures

Fig. 1.1 Parental choice options by state. . . . . 16

Fig. 5.1 Traditional first-order reform. . . . . 82

Fig. 5.2 Structural second-order reform . . . . . 86

Fig. 6.1 US PISA rankings among 36 OECD nations.  
(Source: OECD). . . . . 109

Fig. 9.1 MPS 2019–2020 per pupil funding sources. (Source: MPS  
2019–2020 Superintendents Proposed Budget) . . . . . 166

Fig. 9.2 FY 2019 Cleveland municipal schools budget.  
(Source: Cleveland Municipal School District Report Card) . . . . . 167

Fig. 12.1 Do obstacles exist that can prevent better communication? . . . . . 220

Fig. 12.2 In your opinion, what is the best way to improve local schools  
(select up to 8). (Note: refers to percentage of total responses). . . . . 226

# List of Tables

Table 4.1	City and school demographics by percent, five cities . . . . .	58
Table 4.2	Selected demographics Roxbury and Boston, MA. . . . .	63
Table 8.1	Public school choices in England. . . . .	147
Table 9.1	Select statistics, 2015–2016 school year . . . . .	169
Table 12.1	Response rate by race, role, and location . . . . .	218
Table 12.2	To improve local schools, it is important to include a wide range of individuals and groups. . . . .	218
Table 12.3	Who should be involved in school improvement efforts? . . . . .	219
Table 12.4	Potential obstacles to reform . . . . .	221
Table 12.5	In your opinion, who is most likely to be in the best position to improve schools (by role then by location)? . . . . .	223
Table 12.6	In your opinion, who is most likely to be in the best position to improve schools (for professional educators by location)? [EDUCATORS ONLY] . . . . .	225
Table 12.7	Parental choice that offers parents the ability to choose a school for their child is likely to improve the quality of all schools. . . . .	229
Table 12.8	Schools, both public and private should have to compete to attract students . . . . .	230
Table 12.9	Government should support funding of private schools through vouchers, tax credits, or other means that introduce parental choice if these schools can provide a better quality education than the traditional local public school . . . . .	230
Table 12.10	Low-income families should be able to use public funds to attend private school. . . . .	232

Table 12.11 Non-educational groups should be allowed to sponsor a charter school (this would include business organizations, non-profit groups, parents, and other concerned groups) . . . . . 233

Table 13.1 OFSTED education inspectorate framework – four domains. . . 249

Table 13.2 Regional accreditation organizations . . . . . 257



**Part I**  
**Good Schools, Good Government, and**  
**Good Cities**

# Chapter 1

## Government as Provider of Education Services



*All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interest but also the progress of society itself.*

**Abstract** A proper basic education is critical to individual success in life ranging from wages and income to happiness in life. Education also improves socialization skills, encourages children to get along and better understand each other, and increases a sense of belonging and an appreciation of differences. Those who are more highly educated are generally healthier and happier. These reasons justify government involvement and intervention to assure students and families have access to high-performing schools. For this reason, public schools and the guarantee of publicly funded education have been a cornerstone of American life for over 100 years. In the United States, government participation in schooling has traditionally involved guaranteeing public access, public funding, and public governance to achieve accountability, representativeness, and equality. The focus of this chapter is an introduction to the purpose and role of government in education. The common assumption is that government should be the sole provider and monopolistic producer of education. This does not have to be true. Looking at education not as a public good but as a worthy good challenges this assumption and opens up opportunities for a multitude of producers that allow parents a variety of choices for education.

**Keywords** Public · Access · Funding · Governance · Worthy good · Production · Provision · Parental choice

In 1983, the National Commission on Excellence in Education, a special commission established by then Secretary of Education Terrel H. Bell, published a scathing report titled “A Nation at Risk: The Imperative for Education Reform” about the state of American education. The quotation above, taken from that report, is an expression of deeply held beliefs about American education. A proper basic education is critical to individual success in life ranging from wages and income to happiness in life. The correlation between education and income is well documented (Patrinos & Psacharopoulos, 2018; Unemployment rates and earnings by educational attainment, 2019). There is also considerable research that suggests formal education also improves socialization skills, encourages children to get along and better understand each other, and increases a sense of belonging and an appreciation of difference. People with higher levels of education are generally healthier and happier, even when factoring for the impact of income (Cemalcilar, 2010; Fiske & Ladd, 2017; Florida, 2010; Gilead, 2017; Heckman, Humphries, & Veramendi, 2018; Helliwell, Layard, & Sachs, 2019; Juncal & Fernando Pérez de, 2012; Sachs et al., 2019; Targamadzé & Zuoza, 2011; Wan-chi, 2012).

A Nation at Risk (1983) warned of the pending risk facing the United States and highlighted the impact how the nation’s schools were failing. Writing in the report:

Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaking by competitors throughout the world...the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future... If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report goes on to focus on the dire consequences that could fall on America if drastic measures were not taken to improve schools. Numerous policy recommendations were made at the federal, state, and local level to improve schools and enable American students to compete in the developing interconnected world of the mid-1980s. The economic and technological rise of Asian countries today, including Japan, South Korea, and China, and the continued mediocre performance of American students on international testing regimes such as the OECD’s PISA call into question whether our leaders took heed to these warnings.

The important role that education plays in economic prosperity, cultural development, socialization, and individual happiness justifies government involvement and intervention to assure students and families have access to high-performing schools. For this reason, public schools and the guarantee of publicly funded education have been a cornerstone of American life for over 100 years. Prior to the establishment of formal government involvement in education, the American Founding Fathers called for such a structure in the colonies. Benjamin Franklin, Thomas Jefferson, Benjamin Rush, and other founders believed in publicly funded education and fought at both the national and state levels for taxation to provide for schools. In 1749, Franklin outlined a strategy for public education in *Proposals Relating to the Education of Youth in Pennsylvania*. This proposal led to the founding of the Academy of Philadelphia that in 1791 would become the University of Pennsylvania. As President,

Jefferson proposed an amendment to the Constitution calling for the establishment of public schools financed with federal dollars (Coleman, 1966; Jefferson, 1806).

Thomas Paine also wrote about the importance of government assistance for education even while colonists were fighting England for their independence. He advocated financial assistance for children whose parents, while not poor, were still unable to provide education for their children. To Paine, any well-regulated government was obligated to provide for at least a minimum level of education to its youngest citizens. He did not advocate direct government provision but rather government financial assistance to parents so they could pay for local education, especially in more rural towns and villages (Paine, 1779).

## A Government Guarantee

### *Guaranteeing Public Access*

In the United States, government participation in schooling has traditionally involved guaranteeing public access, public funding, and public governance to achieve accountability, representativeness, and equality. Public access requires that schools are universally accessible to all students within reasoned limits. For example, schools can only house a limited number of students; therefore, limits can be placed on the number of students in a school based on available space and resources, and preference can be granted to those students who live in a geographically determined proximity to the school. As of 2018, 47 states and the District of Columbia allow universal access through some form of open enrollment which allows students to transfer to a public school other than their neighborhood school (Wixom & Keily, 2018). Another expansion of access, although not universal, are charter and magnet schools which offer an alternative option for parents seeking to opt out of their neighborhood school. Charter schools are often free of many rules and regulations that limit innovation within the regular public schools. Magnet schools offer specialized curriculum targeting certain disciplines such as science, math, or the arts. While there may not be limits to who can enroll in these schools, the curriculum is dedicated towards building these skills.

The open-access nature of public schools guarantees public accountability. Within the limits already discussed, public schools are accountable to those they serve. They are also responsible to the larger community, to promote the public good, to promote the idea of liberty and shared societal values (Abowitz & Stitzlein, 2018; Cucchiara, Gold, Metshell, Riffer, & Simon, 2007). Public access should guarantee representativeness and equality, and public schools should work to achieve representation in their student body and staff. Some claim non-public schools including non-public charter schools and private schools fail to achieve accountability, access, or equality, arguing they do not necessarily teach the full range of civic values that public schools teach (Abowitz & Stitzlein, 2018). They

claim private schools that can regulate whom they accept and secular schools that may teach a specific value set are neither accountable to the public nor representative of the larger public and therefore do not promote equality.

### ***Guaranteed Public Funding***

Government guarantee of public funding means that public schools are funded through tax collections, often through local property taxes and funding from the state, and do not charge tuition for students to attend. This is thought to promote accountability, representativeness, and equality as schools are largely seen as a local issue in the United States. Schools are mostly funded and governed at the local level; therefore, they are most accountable to those they directly serve and those who directly finance educational services. The states and federal government also play a role. States provide some funding and therefore can promote accountability through spending requirements and other regulatory procedures. The federal government provides funding for certain programs targeting the disadvantaged and those with special needs and therefore has an interest in promoting representativeness and equality.

Funding is a critical difference between public schools and private schools. Private schools do not receive public funding unless state legislation supports such funding. In Arkansas, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Mississippi, North Carolina, Ohio, Oklahoma, Utah, Vermont, Wisconsin, and Washington, DC, certain parents are eligible for government funding to pay for private schools in the form of a voucher. Requirements differ by state, but in general vouchers are limited to students with a disability and an individualized education plan, to parents with income at or below a percentage of the poverty line, or in locations where the school is determined by the state to be failing to provide a quality education. In these instances, parents are free to choose any private school including religious schools. The value of the voucher as well as the charter school funding can vary from an amount equal to the amount the neighborhood school would receive for that child to a set amount determined by formula (Erwin, 2019).

Public funding of charter school and private schools through vouchers introduces market mechanisms into the education system by allowing parents access to government funding to choose their child's school outside their assigned neighborhood school. As states continue to expand access to choice options for parents, and individual schools and school districts face the potential of losing more and more public funding, some claim the government is no longer guaranteeing public funding or at least not guaranteeing sufficient government funding to provide the necessary resources to public schools (Epple, Romano, & Urquiola, 2017; Ford, 2016; Tang, 2019; Trevino, Mintrop, Villalobos, Ordenes, & University of Colorado at Boulder, 2018). This has led to considerable controversy as resources are diverted from public schools to the parents of children who are attending private schools or independent charter schools. This funding can be in the form of a voucher or other amount pre-determined by the state.

## *Guaranteeing Public Governance*

Public governance is a critical feature of any public organization and includes transparent and open decision-making. Open and transparent governance allows for accountability, promotes representativeness, and signifies the importance of equality. Decisions are made through formal and informal arrangements that involve many stakeholders both inside and outside of government. Accountability, efficiency, effectiveness, and responsiveness are critical aspects of public governance, as is the rule of law. As public institutions, public schools are expected to act in democratic fashion, inviting public involvement and community engagement. Decisions about the operations of schools, including curricula, finances, and the use of resources, including buildings and human capital are made in open public meetings by a publicly accountable government board. In general, governing boards either are elected directly by those who live within the geographic boundaries of the district or are appointed by an elected official who represents that geographic area, usually the mayor. The governing board should be representative of the children and families who attend the school.

Some view the concept of public governance as a challenge for non-public charter and private schools which may be governed not by an elected board but by a board of stakeholders appointed by organizational management or, in the case of a for-profit school, by a completely private and non-independent corporate management team. This is a legitimate issue of concern. Private, corporate management teams may not feel accountable to the parents. At the same time, parents are their customers, and any successful business should be accountable to its customers, and as customers, parents need a voice in decisions that impact their children. It is also important to note that in many large cities, including Chicago, the Chicago Public School board is not an elected body. Members are appointed by the mayor, and therefore there is no guarantee they represent the interests of parents. These non-elected governance structures may challenge accountability, representativeness, and equality. While public schools should represent shared community interests, non-public schools may have interests that diverge from those of the public at large (Abowitz & Stitzlein, 2018). Rather than concern for the public good, board members may be considering other issues such as larger organizational priorities or even profit margins in the case of private schools.

The issue here goes to the heart of accountability and accountability to whom and to what? All organizations, public or non-public, are accountable to multiple stakeholders. For public institutions such as schools, accountability has traditionally been towards the public good. Public governance aids in accountability as well as assuring representativeness and equality of access. Publicly elected and accountable governing boards that are ideally representative of those directly impacted by the schools assure equal access (with state and federal oversight). This can become a challenge for any school when there is doubt about where accountability lies. For schools to be accountable, parents need a voice in decision-making.

Public governance is not the only one measure of accountability. Schools are responsible to be responsive to not only parents' needs but also student performance. In recent decades, there has been a considerable emphasis placed on testing regimes to assure accountability. Under the 2002 No Child Left Behind Act (NCLB), schools were required to test students to assure they were learning the mandated curriculum. This can call into question the goals of education and what the proper measure is of accountability. In 2013, 35 Atlanta public school staff were indicted by a grand jury for a cheating scandal that involved falsifying student tests in order to meet the requirements of NCLB. Those involved were accused of racketeering for changing student test scores for personal gain. Under the Atlanta testing regime, teachers and administrators whose students performed well were eligible for financial payouts through bonuses and other incentives (Fausset & Blinder, 2015). Similar scandals involving falsifying test scores have occurred in other cities including El Paso Texas, Waterbury Connecticut, and Camden New Jersey (Claudio, 2013; Toppo, 2011).

## Education as a Public Good?

In the United States, regardless of the nature of the school, be it public or non-public, schools are viewed as democratic institutions that promote the public good. Governments at all levels have sought nearly constant reform to improve the quality of schools. Federal government policies designed to improve quality, increase access, and promote equality in schools have been put in place to guarantee access, accountability, and equality. The Elementary and Secondary School Act (ESEA, 1965), part of the Johnson administration's "War on Poverty," sought to attack social ills and reduce inequalities in education by targeting billions of dollars in federal aid to the poor and minority groups who had traditionally not performed well in school in the name of promoting the public good (Tyack, 1974). Less than 20 years later, the federal government once again sought new avenues to improve the public good through better schools with the release of "A Nation at Risk" (1983). In 2001, the federal government, in reauthorizing ESEA, passed the No Child Left Behind Act with the hopes of improving educational outcomes through a heavy reliance on testing and by promoting innovation and greater access to school choice for parents whose children were attending failing schools (Easley, 2005).

Governmental efforts to promote education for the public good also assume that education itself is a public good. A public good is available to all individuals regardless of ability to pay. It is available to freely share among the general population, and it is nearly impossible to exclude others from enjoying its use (Abowitz & Stitzlein, 2018). Education is often viewed as a public good due to its positive spillover effects. Providing the general public with a basic education enabling them to read, write, and do mathematics benefits not only themselves as individuals but also the larger society by encouraging participation in the democratic process. A general education makes people better citizens in a number of ways including increasing

their economic potential (higher wages); encouraging greater productivity, creativity, and innovation; and improving the general welfare of fellow citizens (Abowitz & Stitzlein, 2018; Shaw, 2010).

In addition to these positive externalities or spillovers, there is the potential for some to act as “free riders” who receive all the benefits of a highly educated society without paying for it in time or effort. Unlike obtaining appropriate clearance to drive a car on the roadways, which is not a right and requires an individual to meet certain requirements and pay a fee to obtain a license, education is viewed in much the same way as clean air, an entitled liberty and shared public good that is freely available to all, and that all pay for, in the form of taxes or other fees, regardless of how much an individual uses. One cannot live in America without paying for access to the shared clean air that permeates the atmosphere. Even for those who do not pay taxes, they bear the cost of clean air by limitations to their liberties (it is illegal to pollute, and one can be fined or jailed for doing so). For these reasons, basic education has traditionally been viewed as a public good, freely available to all and in much of American history considered a mandate from government.

### ***Government as Provider and Exclusive Producer of Education?***

Most people view education as a public good. This justifies the idea of education as a government monopoly that both provides for educational services and produces those services, much in the same way that government has a monopoly on the guarantee of clean air or water or for national defense. The (national) government provides resources for national defense and therefore the defense of individual citizens and also produces national defense by maintaining a standing military force. As a monopoly, educational services are financed through taxes, user fees, charges, or a combination of each (educational services are provided by the government), and actual classroom instruction and school administration are then performed by government employees (government produces educational services). The government is the primary (or, in some cases, the sole) provider and producer of educational services. This distinction is important that needs clarification.

To provide services means to supply or make available something that is needed or wanted. Cambridge University Press (Provide, 2019) defines provide as “giv(ing) something to a person, company or organization, or to make it available for then to use.” When a government provides Medicare or Medicaid benefits, it does so in the form of health insurance. Those accessing benefits receive those services from a nongovernment actor. The individual accessing benefits or organization producing the services is then reimbursed by the government, often at a reduced rate. Revenues to pay for those services are generated through tax collections and in some cases through a premium paid by those accessing the services.

Producing services involves creating something or bringing it into existence (Produce, 2019). Government provides the resources; it does not create medical care. Nongovernment actors create the cures and medicines that patients need. In



this way, the provision of medical care is separate from the production of medical care. Nothing prevents educational services from operating in the same fashion, other than ideological differences. Government-financed and government-operated public schools both provide educational services and produce them. This model is being challenged in some cities and states across the country through charters, vouchers, and other options that offer parental choice.

As the sole producer and provider of most education services, education is essentially a government monopoly. The rise of greater school choice options, including government funding of nongovernment schools, reduces the pure monopoly of public education slightly to a near-monopoly. In the fall of 2019, approximately 56.6 million children attended elementary, middle, and high schools in the United States. Among those students, about 5.8 million or 10.2% attended private schools (Back to school statistics, 2019). This has also led some to question the nature of education as a public good, particularly those that favor greater market-based education reform.

Some, including Jane Shaw, view education as largely a private good, since those who “purchase” education services directly benefit from those services. Shaw argues that when education is treated as a pure public good, provided and produced by government and financed by tax payers, there is little incentive to assure that it is provided in the correct amount and of high quality; it is at best a “bad” public good (Shaw, 2010). The poor quality of many urban schools and the repeated failed attempt to bring drastic improvements to these schools would appear to be strong anecdotal evidence to support this perspective.

### *Education as a Worthy Good*

Although not a widely held opinion, a more accurate description may be to describe education as a “worthy good” (Savas, 2000). Worthy goods are goods and services that are so important that their consumption should be encouraged regardless of the consumer’s ability to pay. Government either provides these goods directly or subsidizes their provision by others, often private firms. Public goods may also be worthy goods, but not all worthy goods are public goods. In this way, the production of services is separated from the provision of services. Government provides the services through a guarantee of funding (accountability), access (equality), and governance (representativeness), while a variety of suppliers may produce the services for consumers, including the government.

Governments at all levels routinely separate the production of services from the provision of services. At the local level, many communities have fully privatized some services such as garbage collection, cable/Internet services, or other utilities that were once commonly produced and provided for by the government. The government guarantees the provision of services such as garbage collection while contracting with a nongovernmental organization to produce the collection of garbage. Through regulations and contractual agreements, accountability, equality, and representativeness are guaranteed. In other instances, communities may allow mul-

multiple organizations to compete to produce services such as cable or Internet services. The government provides for these services by contracting with a company who may pay a franchise fee to the government in order to have access to the local community. To the general public, these private corporations may be viewed as the provider and producer of services; however, this is only as a result of government sanction. At the state and federal level, many services previously produced and provided by government are now produced by nongovernmental organizations.

The ongoing debate in the United States over health care is a debate about the provision and production of health services. Traditionally, health care has been mostly produced and provided by the private and non-profit sectors, with the government providing some services in the form of subsidies for lower-income individuals and both providing and producing health care for veterans through VA health services. In exchange for reduced costs, individuals who have insurance through a provider such as an employer or other means may select among a list of approved doctors (producers) for their health-care needs. They may access those not on an approved list, but will pay a higher cost for their care.

The Affordable Care Act of 2010 (ACA) sought to increase government provision of health care without increasing the direct production of services. During the 2016 and 2020 presidential election cycles, debates within the Democratic Party were about how involved the government should be in the provision of health care. Some favored an elimination of private providers for a government-run and government-funded system dubbed “Medicare for all” (Sanders, 2019; Warren, 2019), while others preferred a greater government role or “government option” where the government acts as both provider and producer of medical insurance as a direct competitor with private providers (Biden, 2019; Buttigieg, 2019). On the Republican side, there were ongoing efforts to reduce federal government direct involvement in health care by repealing the ACA and reducing or eliminating government subsidies available under the ACA.

## Separating Production and Provision Through Choice

Most efforts to improve education since the end of World War II have focused on traditional reforms that maintain government as the near exclusive producer and provider of education services. These reforms have called for greater funding, legislation to reduce discrimination, and curriculum changes to improve student outcomes while retaining the near-monopoly role of government. States largely control *curriculum*; however, both the federal and state governments have implemented legislation to focus curriculum in core subjects and to increase inclusivity. The federal government, along with state governments, and federal and state courts have mandated change to *reduce discrimination* to make education more equitable and accessible. The federal government has sought mechanisms to *increase funding* to reduce racial inequalities in education by targeting resources towards programs meant to increase access and opportunity and decrease racial and economic segrega-

tion in schools. These traditional or first-order reforms rely heavily on those inside the educational system to drive change efforts.

Advocates of larger structural reform as a means to improve schools believe these traditional efforts have failed over the past 100 years and look towards structures that separate production of education from the provision of education. They promote different sets of options, often including greater school choice as evidence that government can provide services effectively while not producing them directly and still guarantee funding (representativeness, accountability), access (equality, representativeness), and governance (accountability, equality). This would, from their perspective, guarantee both provision and production while allowing parents to choose a school that best meets their individual needs in a similar way they choose a doctor.<sup>1</sup>

School choice advocates believe that while government involvement is justified as a means to improve the public good and allow citizens to achieve their goals and improve the greater society, this does not mean that government has to be the sole provider and producer for schools to operate efficiently and productively. Separating production from provision is hardly a new or even novel concept (Friedman, 1955, 1982; Ostrom, Tiebout, & Warren, 1961). Rather than rely on traditional inside-out reform efforts that primarily involve education experts and those inside the schools, non-traditional actors are challenging the traditional education regime through efforts that seek to expand reform options by restructuring the educational system. Actors that may join an effort to alter the education system include a wide variety of interests including parents, non-profit organizations, religious organizations, business, and others. Described as community engagement, civic capacity, integrated governance, community building, and by other terms, reformers seek to build broad support for change through new power structures that include new stakeholders and new relationships (Henig, Hula, Orr, & Pedescleaux, 1999; Saegert, 2006; Shirley, 1997; Stone, 2001; Stone, Henig, Jones, & Pierannunzi, 2001, p. 7; Wong, Shen, Anagnostopoulos, & Rutledge, 2007, pp. 12–13). These interests are able to organize and come together to engage state legislatures to enact change.

Diverse stakeholders routinely come together to encourage local development. This could include physical infrastructure to improve local services or to encourage development that leads to new jobs. Education involves a completely different set of issues that are humane in nature rather than physical. It is easier to measure the costs and benefits of physical development and job creation than the costs and benefits of better schools, which may take years to develop. For broad community engagement to develop around schools, stakeholders must address these issues and the divisions they have tended to create (Stone, 1998, 2001; Stone et al., 2001).

The number and variety of actors involved in community-driven education change make this level of cooperation difficult to sustain and have led to reform failures in several American cities including Atlanta, Denver, Detroit, and San Francisco (Stone, 2001). Each stakeholder may see the cause of poor-performing

---

<sup>1</sup>There are key differences in the analogy, namely, that with health care, insurance companies seek to reduce costs by limiting patient choice, but a similar mechanism applies. Limits of school choice today are based on state legislation.

schools differently and therefore may propose different solutions to fix schools. Education experts including teachers, administrators, and curriculum experts may see the lack of funding and lack of parental support as the primary source of problems in schools. Parents and some in the business community may blame teachers and administrators. Community organizing groups often focus on power relationships and may blame failing schools on the inequality in power that leads to the lack of investment in the community and lack of jobs that create undue pressures on families (Saegert, 2006; Stone et al., 2001). Community engagement and the differences between traditional reform, structural reforms, and the role of different regimes will be discussed in Chap. 3.

### ***What Is School Choice?***

“School choice” is a very broad term and includes numerous alternatives to the traditional neighborhood school. Legislatures of the various states determine education policy including the types of schools eligible for public funding and the options parents have in determining a school for their child to attend; therefore, government retains an essential role in providing education services. Every state offers some form of support for at least a minimum level of school choice, though the type of support varies considerably among the states.

Policies related to school choice can be broken down to two main categories, policies that encourage investment in education and policies that promote alternative school choices. Policies and programs designed to promote investment in education include tax credits and education savings accounts. *Tax credits (TC)*, allowed in 20 states, are generally available in two forms, tax credit for donations for scholarships (TCS) or individual tax credits and deductions (ITC). TCS encourage donations to non-profit organizations that provide scholarships to students to attend private schools or that offer grants and other financial supports to schools directly. Among the 18 states that offer TCS, individuals and/or businesses are eligible to file for a tax credit for all or a portion of their donation against their state income tax. In some states, scholarships can be used to pay for transportation to a non-neighborhood school. In eight states, parents are allowed to claim deductions or receive tax credits on state income tax for approved educational expenses through ITC. Approved expenses will be eligible for a full or partial credit or deduction and can include private school tuition and other related costs. The nature of ITC requires that parents pay for all expenses upfront and claim a credit or deduction when completing state income taxes. In 2013, Alabama became the first state to enact refundable tax credits which made it easier for more moderate-income families to access this benefit. Unlike traditional tax credits, refundable tax credits allow parents to receive a tax refund for qualified educational expenses, even if those expenses exceed their taxes owed. Parents must still file a tax return to receive the refund, and the refund may not be 100% of expenses (How do k–12 education tax credits and deductions work?, 2019; What is an education savings account?, 2019).

*Education savings accounts* (ESA) provide public funds for approved educational expenses to eligible students in the form of a government-authorized savings account. States that have enacted ESA laws have specific requirements for eligibility and for eligible expenses. In some states, they may be used only if the student is attending a private school. Funds may also be used for private tutoring, online learning programs, education-related therapies, and some higher education costs including textbooks. Arizona enacted the first ESA law in 2011. Six states have enacted ESA laws including Arizona, Florida, Mississippi, Nevada, North Carolina, and Tennessee; however, the Nevada program is inactive as the state legislature has chosen to not fund the program. ESA laws in the five states where the program is currently active limit eligibility to students with special needs (Education trends, 2016; What is an education savings account?, 2019).

Unlike tax credits and education savings accounts that encourage investment in education service, policies that promote alternative school choices allow parents to access non-public schools and the government funding that would normally flow to the local public schools. While the various states offer different mechanisms for alternative school choice, the general practice diverts all or a portion of state funds for that individual student to follow that student to the school of his or her (parents) choice. Alternative school choice programs include open enrollment, charter schools, and vouchers.

*Open enrollment* (OE) is the most common form of school choice and is also the least disruptive to the public school system. Open enrollment policies allow parents to transfer their child to a public other than their assigned neighborhood school and can be one of two types. Intra-district enrollment allows students to transfer to another public school within their home school district. Inter-district allows students to transfer to any public school outside their home district. Open enrollment can be either mandatory, meaning districts are required to accept inter- or intra-transfers, or it may be voluntary, which allows district to choose whether they participate in open enrollment, or it may be some combination of the two depending on local conditions and enabling legislation. As of 2018, 47 states and the District of Columbia allowed some form of open enrollment (50-state comparison: Open enrollment policies, 2018).

Laws that allow intra-district or inter-district transfers are limited to regular public schools and do not include charter or non-public schools, including private schools. *Charter schools* (C) are schools that receive public funding, but may or may not be a part of the local school district. The authorizing organization grants a charter, which identifies the structure of the school, including how it will be managed, who the school will serve, as well as measures of success. Charter schools are schools operated either by the local public school district or by another organization not affiliated with the public schools. Different states allow different types of organizations to authorize, establish, and operate charter schools. The various states also determine how charter schools and their authorizers are held accountable, teacher certification requirements, and whether charter school teachers are required to be part of a local teachers' union. Charter school operators may include public schools, non-profit organizations, religious organizations, groups of parents, and even pri-

vate business. In general, charter schools are able to operate free of many of the bureaucratic and administrative requirements of public schools. In theory, this allows charter schools to innovate and provide a different educational experience for their students. The first charter school law was enacted in Minnesota in 1991. Since then, 44 states and the District of Columbia have approved charter schools (50-state comparison: Charter school policies, 2018).

Much like tax credits and education savings accounts, *vouchers* (*V*) allow parents to use government funding to pay for private school tuition; there are, however, key differences. To access tax credits, parents must first pay for the tuition upfront and will receive a deduction in taxes owed or a tax credit for all or a portion of the expense at the time they file state income taxes. School vouchers, much like housing vouchers, provide a payment directly to the school from the government to finance tuition and other direct expenses to attend an eligible private school. The value of the voucher is determined by legislation, whereas the tax credit is based on the parents' tax obligation to the state. In 1990, the Wisconsin state legislature enacted the first modern voucher law, the Milwaukee Parental Choice program. The law legitimized parental choice and established the first government-funded modern voucher program in the United States so that low-income parents could access private schools. For more information and a detailed discussion of the Milwaukee Parental Choice program, see Chap. 11.

## *Giving Parents Choice*

Qualified parents can access vouchers in 16 states and the District of Columbia. Eligibility varies by state; however, in most states, vouchers are limited to families under a certain income level (LI) and students with disabilities or an individualized education plan (IEP) or who are attending a failing school, and in Ohio, Tennessee, and Wisconsin, there are specific programs in certain metro areas. Figure 1.1 demonstrates the rainbow of options available in the different states for parental school choice. Open enrollment and charter schools are the most widely available choices for parents. Vouchers, limited to low-income families or those attending failing schools, are next, followed by tax credits and education savings accounts which are more likely to favor the middle class. Florida offers the most for qualified parents, including charter schools, vouchers for special needs students and low-income families, tax credits, education savings accounts, and open enrollment. Nevada and Arizona offer a similar range of services, however, exclude vouchers. As previously discussed, ESA are currently not available in Nevada due to funding cutbacks. Choice options are extremely limited in Alabama where the state only approved charter schools in 2015. Vouchers are not available to students, and Alabama does not allow open enrollment for regular public schools.

For any significant reform to come about, it requires community-wide engagement and a sustained effort and support from elected officials as well as stakeholders inside and outside the schools. This chapter has identified the clear role