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Who Should Decide How Children are Educated?



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Who Should Decide How Children are Educated?

BY JACK KLENK

Introduction

Who has the primary responsibility for making critical decisions about the education of school-aged children? Their parents? Or government and the school system it operates? That is a fundamental question about education policy that faces the United States as it attempts to build educational institutions for the twenty-first century.

Parents pay for public education through mandatory taxes. Most send their children to public schools, attend parent-teacher meetings, encourage their children to do homework, and bake cookies for school events. However, decisions about what schools their children attend and what education programs the schools use are typically made by the system’s own professionals. In short, parents fund, support, and cooperate with the school system, but having power over their children’s education is another thing altogether. Control over how children learn has moved away from parents to other adults: administrators in big school districts, state and federal education bureaucrats, legislators, judges, professors in teacher colleges, teacher’s union officials, and members of other interest groups.¹ If parents want to use the monies – for which they have been taxed – to pay for their children to attend

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WHO SHOULD DECIDE HOW CHILDREN ARE EDUCATED?

BY JACK KLENK

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schools of their choice, they find themselves opposed and in a position of weakness. The same is true if they disagree with education professionals regarding the content and methods used to teach their children.²



Some believe that professional educators, government officials, and the public education system as a whole are best positioned to make educational decisions for children. This belief is typically based on respect for the expertise, training, and understanding of pedagogy and social change held by education professionals. From this perspective, those operating the educational institutions are more knowledgeable and enlightened than parents. Therefore, for the good of the children and society, the experts must control educational decision-making. This view sees schools as liberating – freeing children from the limitations of their families. Similarly, the school is considered to be an instrument of social engineering capable of bringing about societal change – even if,

perhaps especially if, parents do not embrace the changes. A mistrust of parents lies at the heart of this viewpoint.³

There is an opposing perspective: parents are best positioned to make educational decisions for their children. The fact that parents devote so much of their lives, energy, and resources to rearing their children implies, on the whole, a powerful parental desire to do what is in their children's best interest. Parents are also the adults closest to children, and, in almost all cases, know their children better than anyone else. By and large, parents possess the best information about their children. Thus, the nature of the parental relationship suggests that there is great wisdom in giving parents – not distant organizations – the role of making major decisions about the education of their children.

According to this point of view, parental rights should include the power to oversee important decisions about education. Parents should have the authority to choose the schools that they deem best suited for their children rather than having a bureaucratic school system make such assignments. In this view, schools should be agents of the parents and, when chosen by them, should operate in a partnership that supports the parents in the education of their children. According to this perspective, schools exist to serve families, not the other way around.

Deference to parents is not based on a naive belief that they are inherently good while people who work in the education system are inherently bad. The reality is that both parents and educators share the mixture of strengths and weaknesses common to all people. Rather, respect for parents also comes, in part, from an understand-

ing that families are the basic unit of society. For society to be healthy, families must be strong, and for families to be strong, other units of society – including government and its schools – must respect their independence.⁴

I support the second approach and favor giving primacy to parents in educational decision-making. Parent-child relationships differ fundamentally from those that exist outside the family. If schools displace parents from their proper role in educational child-rearing, they discourage



parents from exercising responsibilities that are uniquely theirs. Such displacement is bound to have negative consequences for children including reduced educational achievement. It also harms society itself as reduced expectations for parental involvement become self-fulfilling and alienating. Finally, educational quality is bound to decline as the child's school and school system worry less about customer-parents taking their business elsewhere.

The outcome of the contest to see who will control the education of children is critical for our families and schools today and for generations to come. At present, those favoring control by government and the system it operates generally have the upper hand, but forces promoting parental control are asserting themselves. Some of the barriers to parental authority in education are described below. That description is followed by a review of recent developments whereby parents are regaining some measure of authority in their children's education. I conclude with some reflections on educational reform.

Critical Barriers to Parental Authority Over their Children's Education

Many factors have contributed to weakening parental authority in U.S. education. Here are five:

I. The "Fundamental Assumption" that the School is an Agent of the State Rather than an Extension of the Family

The late James Coleman, the most influential sociologist of education in the late twentieth century,⁵ was deeply concerned about the marginalization of families from their children's schools. Of great concern to Coleman was the fact that this separation of parents from schools was taking place at a time when changes in the family were making it more important than ever for schools to support parents.

Coleman wrote that changes in the American family since the mid-nineteenth century had made adults less available to children. This long-term development reduced social support – or

“social capital” as Coleman called it – for children. Until the middle of the nineteenth century in America, parents worked at home, usually on a farm, and involved their children in their work. In the past 150 years, the household has been transformed: men left the farms to find employment away from the family household; children went off to school; women left the household for paid work outside the family; family members did leisure-time activities with youth groups and people of their own age instead of with their extended, multi-generational family; parents divorced, leaving the household – not only for daily work but permanently; and, the young moved from “psychic involvement” in family to “psychic involvement” in mass media. Although American children have gained more materially during this time, these long-term family trends have decreased the “social capital” (social support) available to American children at home. This in turn, according to Coleman, increased their need for access to schools that could provide their students with high social capital.⁶

Coleman observed that religious schools are more successful than other schools in helping disadvantaged children. For example, the dropout rate is much lower for single-parent children in Catholic schools compared with secular schools.⁷ Coleman thought an important reason for this success was higher social capital. Religious schools work more closely with parents, and parents are more involved with the communities of which they and the schools are a part.⁸ By contrast, the public school “is insufficient to meet the demands created by the loss of family functions being experienced today.... [I]nstitutions independent of the state are necessary to supplement the failing family.... [T]he common school necessarily restricts

the range of socialization functions that can be carried out – a restriction that is particularly harmful to children as families weaken.”⁹

After spending years studying schools and families, Coleman committed the “heresy” (in his words) of concluding that “the fundamental assumption on which publicly supported education in the United States is based is wrong for the social structure in which we find ourselves today.”¹⁰



That assumption was “that the school is properly an agent of society, or of the state, to free the child from the constraints, limitations, and narrow vision of the family.”¹¹ “Partly bolstered by this assumption, and partly driven by the growth in size of school districts and professionalization of school staffs,” Coleman observed, “public schools have come to be increasingly distant from the families of children they serve, increasingly impersonal agents of a larger society.”¹²

Coleman then contrasted the public school mindset with the way religious schools viewed their re-

lationships with parents and the community:

....schools operated by a religious community do not share the ... assumption on which public education is based. The [religious] school is not regarded as an agent of the larger society or of the state, to free the child from the family. Rather, it is an agent of the religious community of which the family is an intrinsic part. The religiously based school is thus in a better position than is the public school to support and sustain the family in its task of raising children.¹³

Coleman believed that the assumption motivating religious schools is better for today's society than the assumption driving the American public school system. He opined that it might be best if the school were "not an agent of the state or of the larger society, but an agent of the community of families closest to the child."¹⁵ He noted that America had gone from a society in which other social institutions flowed from the family to a society in which they were grounded outside the family. "In this new social structure," Coleman commented, "the family has become a peripheral institution, along with the remnants of

communities that were once the center of social and economic life."¹⁵

As Coleman saw it, this grand social transformation left two alternatives for the role of families in socializing children. The first would be "to accept [the demise of families], and to substitute for them new institutions of socialization, far more powerful than the schools we know, institutions as yet unknown."¹⁶ Coleman argued for taking another path:

....to strengthen the family's capacity to raise its children, building upon the fragments of communities that continue to exist among families, and searching for potential communities of interest. For this alternative, the school is the one social institution that can – and in some instances does – continue to emanate from families and communities of families. *But for the school to be such an institution requires abandoning the assumption of the school as an agent of the state, and substituting an assumption closer to that in the private sector of education: the school is properly an extension of the family and the social community or value community of which that family is a part.*¹⁷

For some parents, this community is religious, for others it is based on shared educational values, or ethnicity or culture. "But whatever the basis for community, the role of the school is ... to foster that community."¹⁸

Coleman's analysis led him to favor parental choice, along with other measures to make schools extensions of families and communities to which



parents belong. The new social reality called for the “nurturing of cultural diversity wherever it is based on a cohesive set of families.... nurturance, by the school, of those fragile social norms that the families of a school will support.”¹⁹ In poor neighborhoods and in the suburbs, it would entail the “active involvement of the school in helping to strengthen the norms that the parents hold for their children, norms that parents often find undercut by intrusions from the larger society.”²⁰ Moving in this new direction would require rethinking the concept of “equal educational opportunity” in a world in which the “school is an agent of the family rather than the larger society.”²¹ Coleman concluded that this would require nothing less than wholesale change in the “very philosophy of education that now governs our schools, public and private.”²²



Coleman had a prescription for a better future. But it came with a cost, not primarily of dollars but (much harder) of a willingness to reexamine deeply-engrained patterns of thinking. Many re-

formers embrace the new thinking, but for much of the American educational establishment, changing the “very philosophy of education that now governs our schools” is a price too high to pay.²³

2. The “Myth of the Common School”

Another assumption shaping our education system to the disadvantage of parents is a secular faith in the public school system. In this faith, the public school system is an engine of progress and enlightenment whose schools, and only its schools, should receive public funding. This faith has prevailed in the U.S. since Horace Mann, “the father of public education,” in the nineteenth century. The conviction is held so strongly that in some quarters questioning it is treated as heresy. It is not unusual for people to think our country has always had a public school system – which is not the case.²⁴

Professor Charles Glenn of Boston University has called the belief in the public school system “the myth of the common school.”²⁵ “This myth,” as Glenn explains it, “insists that enlightenment is the exclusive province of public schools, which are thus the crucible of American life and character in a way that schools independent of government could never be.”²⁶ While acknowledging the positive contributions of the myth to public education, Glenn noted that it “has been transmuted into an establishment ideology that borrows much of the language and the positive associations of the common school to serve a bureaucratic, monopolistic system that is increasingly unresponsive to what parents want for their children.”²⁷ Glenn concluded that “to a great extent” the myth of the common school “was informed by a bias against orthodox religion.”²⁹

The system of government schools envisaged by Mann “was intended to replace religious particularism (whether Catholic or Calvinist) as well as local loyalties and norms with an emerging national identity and culture.”²⁹

Mann and his fellow common school reformers were hostile to private education and saw its defeat “as a major objective.”³⁰ Mann regarded private schools as contributing to social disunity and religious particularism (“sectarianism”).³¹ But as with many other adherents of the common school faith, Mann did not practice what he preached. Indeed, the “father of public education” did not send his own children to a common school – instead, his wife taught them.³²

Horace Mann’s common school movement has brought much good to the U.S., but the good is tainted by a hostility to pluralism that endures to this day. “The mistake made by Horace Mann

and his fellow reformers was not their generous vision,” Glenn says, “... but their ungenerosity toward the stubborn particularities of loyalty and conviction, the ‘mediating structures’ and world views, by which people actually live.”³³

What Mann and his allies saw as an instrument of progress was understandably perceived differently by many parents. They were not pleased with schools that they perceived to be undermining their authority as parents, their beliefs, and their values. Additionally, they were not pleased that the taxes they were compelled to pay were used exclusively to fund such schools. Since Mann, these tensions have persisted. Those in power have used the schools for purposes they deem to be good, while many parents have questioned the justice of such arrangements and have looked for alternatives.

3. The Denial of Public Funding for Nonpublic Alternatives

The common school movement grew and prevailed against Catholics (and others) who requested public funds for schools that would teach children according to the tenets of their faith. The need for funds for such schools grew with the burgeoning number of Catholic immigrant children in the U.S.³⁴

In 1875, James Blaine, Speaker of the U.S. House of Representatives and future presidential candidate, proposed an amendment to the U.S. Constitution to prohibit states from spending tax money for schools controlled by a “religious sect.” The language was intended to prohibit public funds for Catholic schools. The proposed amendment easily passed in the House, but failed by four votes in the Senate. Despite the narrow defeat, Blaine



and his allies succeeded in placing similar provisions – “Blaine Amendments” – in many state constitutions. Some states were required to adopt Blaine Amendments as a condition of statehood.

According to the Becket Fund for Religious Liberty, thirty-seven states now have constitutional provisions that restrict government assistance to “sectarian” schools or educational institutions.³⁵ The Blaine Amendments were designed to discriminate against people who wanted a particular religious education for their children, and they still serve that function today.³⁶ The effect, then and now, is to restrict educational options for parents by making it difficult or impossible for states to pay for the attendance of children at religious private schools, even though the same states have constitutions that require payment for education at public schools. Even though the U.S. Supreme Court has ruled that a well-designed voucher program that pays for tuition at public or private (including religious) schools does not violate the Establishment Clause of the First Amendment (*Zelman v. Simmons-Harris*, 2002),³⁷ state Blaine Amendments can still forbid such opportunities for parents.³⁸



4. The Attempt to Compel Parents to Send Their Children Exclusively to Public Schools

A zeal for public schools, coupled with hostility toward private schools and the families that patronized them, produced one of the greatest assaults on parental rights in American history. In 1922, in the state of Oregon, voters approved a referendum requiring all children between the ages of 8 and 16 to attend public schools. Under this amendment to the Oregon Compulsory Education Act, parents would no longer have been able to send their children to private schools as of September 1, 1926.

The campaign for the act portrayed public schools in glowing terms and private schools as dangerous for society. The measure was supported by the Ku Klux Klan which was quite powerful across the nation at that time.³⁹ One advertisement in the *Oregonian* newspaper just before the election declared, “Free Public Schools: America’s Noblest Monument.” It showed a public school towering over the Washington Monument, the U.S. Capitol, and a mountain. The ad declared:

This great building represents the PUBLIC SCHOOLS of the United States. This is the ONE thing that is important in this nation. In comparison with it, NOTHING ELSE has importance.... There is only one really American schoolroom, that is the PUBLIC schoolroom. There is only one typically American school, and that is the American PUBLIC SCHOOL.⁴⁰



It went on to issue a political admonition:

If [a politician] departs one inch from the old idea that the public school is the SCHOOL OF AMERICA, and the ONLY school, if he hesitates in his loyalty to THAT school, he is a traitor in the spirit of the United States, and your vote should tell him so.

It should not surprise us that such thinking – a warped perception of foundational American principles – should produce such a dangerous law. Ideas have consequences.

After the referendum passed in 1922, two private schools – a Catholic school run by the Society of the Sisters of the Holy Names of Jesus and Mary and the Hill Military Academy – challenged the constitutionality of the new law. The case was heard by the U.S. Supreme Court in 1925 in *Pierce v. Society of Sisters*.⁴¹ As noted in the case syllabus, counsel for Oregon argued that the compulsory public school attendance law was necessary to protect society against a variety of harms it attributed to private education. For example, the law “[was] intended to bring about a greater equality in the operation of the school law.”⁴² Furthermore, the law would impede a “rising tide

of religious suspicions” caused by “the separation of children along religious lines.” Thus, the statute’s enforcement would reduce societal divisions. The private schools argued that the law would undermine parental rights, asserting that a parent’s right to guide his child “is a most substantial part of the liberty and freedom of the parent.”⁴³

The Supreme Court unanimously ruled that the Oregon statute violated the U.S. Constitution, declaring:

..., we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. ... 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.*⁴⁴

Pierce v. Society of Sisters overturned the requirement that parents send their children exclusively to public schools. It is rightly considered a “Magna Carta” for parental rights in education. However, the decision did not address the requirement set forth in Blaine Amendments that public funding be allowed for public schools only. So while *Pierce* removed one legal barrier, it did not address another one that effectively renders the right guaranteed by *Pierce* empty for parents who cannot afford to exercise it. For those who can-

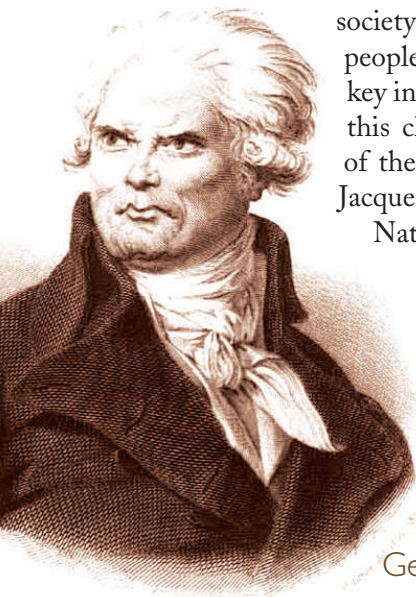
not afford private schools, the funding prohibition says “No” almost as effectively as an outright prohibition of attendance.

“Children belong to the Republic”

In opposition to the idea that parents have rights to guide their child’s upbringing stands the philosophy that children belong to the state. This is an idea that has an ancient pedigree. Plato, in his *Ideal Commonwealth*, proposed that “children shall be common, and no parent shall know its own offspring nor any child its parent.”⁴⁵ Sparta put boys into barracks at age seven and assigned their education to official guardians.⁴⁶

After the French Revolution in 1789, the revolutionary government embarked upon a program to destroy the nongovernmental schools that had existed under the *ancien regime* and to compel parents to enroll their children in new “republican” schools. The leaders of the Revolution were

determined to “regenerate” society and “create a new people” using the schools as key instruments in effecting this change.⁴⁷ As a leader of the Revolution, Georges Jacques Danton told the National Convention, “It is time to reestablish the grand principle ... that *children belong to the Republic more than they do to their parents.*”⁴⁸



Georges Jacques
Danton

This is the totalitarian view of children, education, and the state: children belong to the state, and the state uses its schools as an instrument for molding children like plastic in order to create a new man and a new society. Fortunately, the U.S. Constitution prohibits this educational philosophy, as the Supreme Court made clear in *Pierce* when it said that parents have a fundamental right to guide the upbringing of their children, and that government has an obligation to respect that right.⁴⁹

5. Professionalization, Unionization, and the Insulation of Public Schools

Public education in the U.S. has become highly professionalized and unionized. This change has led to a dramatic shift in power from parents and the public to public school employees.⁵⁰

John Dewey and his fellow Progressives put in place lasting organizational reforms with the goal of shifting power from local politicians to educational professionals. This shift also reduced the influence that parents had over the education of their children. The Progressives were so successful that “it became quite unclear whether the schools belonged to the public or to the professionals.”⁵¹ Local school boards



John Dewey

were weakened, school districts were consolidated, schools were enlarged, teachers were required to be state certified, teachers were compensated by a standard salary schedule and protected with tenure, and principals were required to have teaching experience and take credentialed courses. In the new professional order, the teachers, administrators, teacher colleges, and state officials had vested interests which they protected, and “school professionals had a stake in limiting the power of the laity.”⁵²

Parents lost more influence later in the twentieth century when teacher unions’ power increased greatly. In the first half of the twentieth century there was a consensus against collective bargaining for public employees; even FDR and the NEA opposed it.⁵³ However, things changed in the 1960s as unions went on illegal strikes in big cities and forced the cities to grant them collective bargaining rights.

With the advent of collective bargaining, unions were able to negotiate contracts with friendly school boards whom they had helped to elect. The unions used collective bargaining agreements to extend their political power by requiring school districts to deduct from employees’ paychecks, not only



union dues but also additional fees that – unless a teacher-member explicitly objected – could be used for political activities.⁵⁴ With these vast resources, the unions vigorously and effectively advanced an agenda that opposed parental choice and other parent-friendly policies.

The unions, through collective bargaining and political activities, have used their considerable power to obtain higher salaries and benefits while increasing the state and local taxes required to pay for them. Additionally, they block reforms that would improve schools and empower parents but lessen union power. *Waiting for Superman*, the 2010 documentary film, shows teacher union opposition to charter schools. The unions have opposed merit pay and other forms of differentiated compensation such as paying more to math and science teachers who are in short supply. They also have opposed alternative certification, tenure reform, and the easing of cumbersome procedures for dismissing teachers.⁵⁵ Individual parents who take the opposite side on these matters are a poor match for the union juggernaut. The two sides compete on a decidedly uneven playing field.

Parents Are Regaining Power

Can parents regain authority over their children’s education? Despite the barriers, some parents are recovering a degree of their lost authority. Here are some positive developments:

The number of parents who choose where their children go to school is increasing.

A growing number of parents are exercising the power of choice. Some enroll their children in private schools. Some homeschool their kids.

Others choose charter, magnet, and other forms of public schools.

In 1993, 80 percent of children attended the public schools to which they were assigned. By 2007, the figure was 73 percent. During that same period, the percentage of children in chosen public schools rose from 11 to 16 percent. In religious private schools, it rose from 8 to 9 percent, and in private nonsectarian schools, it rose from 2 to 3 percent. Parents who choose schools are more satisfied than parents who do not. In 2007, 52 percent of parents with children in assigned public schools were very satisfied with their children's schools, compared to 62 percent of parents of children in chosen public schools, 79 percent of parents of children in religious private schools, and 79 percent of parents of children in nonsectarian private schools.⁵⁸

Charter schools are becoming more numerous.

Charter public schools have received much attention in recent years, and rightly so. Charter schools enjoy greater autonomy than other public schools. For example, charters are generally more free than traditional public schools to hire capable teachers and fire ineffective ones. They can also decide to do things like extend the length of the school day and year. They can adopt distinctive approaches to teaching rather than trying to please everyone. Charter schools can introduce pedagogical innovations with far less resistance. Significantly, charter schools are accountable to the bodies that charter them. If they fail to perform, as sometimes has been the case, they can lose their charters and go out of business. Charters are schools of choice, not assignment, and they are very popular with parents. Despite (or

because of) these benefits, they have been fiercely opposed in most places by teacher unions who have used their political clout to limit and weaken charter schools.



Nevertheless, charter schools are charter *public* schools. As such, they cannot offer parents the option of religious schooling. This is a significant drawback for parents who want an education that addresses the whole child – spiritual as well as intellectual. If parents want religious schooling for their children, they have to turn to private schools or home schools.

Another limitation of charter schools is that they are still relatively few in number and, where they exist, students must often win a lottery to gain admission to these popular institutions. In 2007, about 2 percent of U.S. public school students attended 4,132 charter schools. This was a large increase from 2002 (when 1.4 percent of all public school students attended 2,575 charter schools), but it was still smaller than the 2.9 percent of all

school age children (not just public school students) who were homeschooled in 2007.

Homeschooling is growing.

Homeschooling is perhaps the ultimate in parental involvement. Parents who homeschool do not just choose schools for their children, they also do the teaching – usually in cooperation with other homeschooling parents – in their own homes. The rapid growth in the number of children whose parents make that commitment is one of the most significant developments in American education in recent years. In 2007, 2.9 percent of all children ages 5-17 (1.5 million students) were homeschooled, up from 2.2 percent

(1.1 million students) in 2003 and 1.7 percent (850,000 students) in 1999.⁵⁷ A quarter-century ago, homeschooling was illegal in many states. Today, thanks in large part to the lawyers at the Home School Legal Defense Association, homeschooling is legal in all 50 states and the District of Columbia.

Some states provide financial support for children in nonpublic schools.

Parents who choose nonpublic schools have to obtain the funds to pay for tuition and other fees, while parents who choose public schools do not need to pay tuition. However, some states provide financial support for children to attend private schools. Such support comes in the form of scholarships or scholarship-like tuition assistance (vouchers), tax credits, and tax deductions. At the end of 2008, 14 states and the District of Columbia provided 24 such programs, compared to seven states and seven programs in 1997.⁵⁸ In a setback, the Obama administration and Congress, under pressure from teacher unions, have cut back the federally-funded D.C. Opportunity Scholarship Program for poor families in the District, phasing it out by not allowing any new children to enroll in the program.⁵⁹

Most of the parents who choose nonpublic education forgo the thousands of dollars of “free” public education and pay for the nonpublic option out of their own pockets. Thanks to the Supreme Court’s decision in *Pierce v. Society of Sisters*, the government cannot force them to place their children in government schools. But parents who choose a nonpublic school for their children usually pay a financial penalty for the privilege. Parents for whom this cost is an eco-



nomic hardship must stay with the “free” – actually costly to them as taxpayers – education that the government offers in its own schools. That may not seem like a problem for parents who are content with the schools to which their children have been assigned. However, for other parents whose children are sinking in troubled schools, it is cause for despair.

Educational choice may become increasingly attractive for *fiscal* reasons. In an era of state and local budget deficits, the savings that choice programs provide may prove increasingly popular to taxpayers. As Marcus Winters of the Manhattan Institute writes, “Voucher programs both help kids and save money. In these tight fiscal times, vouchers don’t just make good policy, they make good sense.”⁶⁰ In Milwaukee, voucher programs saved state and local taxpayers \$37.2 million in fiscal year 2009. Each voucher student saved taxpayers \$2,855.⁶¹ The Florida tax credit voucher program saved state taxpayers \$36.2 million in the 2008-09 school year.⁶² Under another Florida choice program for children with disabilities, the cost for a voucher is much less than the cost for special education students in public schools. A voucher in New York City would cost half or less of what City public schools spend for each child.⁶³

Conclusions: Education that Serves the Public

People of good will who are concerned about the condition of families and the state of education need to think creatively and act courageously to empower parents to become more actively involved in the education of their children. If they start with a determination to put parents first,

they can take a fresh look at old assumptions and structures, and seek to modify the system accordingly. The current educational system, created in the early nineteenth century, is overdue for a modernization that will make it more flexible, less bureaucratic, and more family-friendly. To be authentically *public*, it must serve *all* parents without discrimination, parents from the whole public, not just those whose children attend one category of schools.

For education to serve the public, it must give parents access to a variety of schools, not just gov-



ernment schools. The old system is a monopoly that is not suited to the realities of modern life. As with other monopolies, it gives disproportionate weight to itself and special interests, and not enough to the customers, the parents and children, whom it is supposed to serve. Furthermore, it resists competition.

Any new system of education for the public must leave behind the mindset that only government schools can serve the public. Just as “public accommodation” includes private hotels and restaurants, so too a new “public education” should include nongovernmental education providers. So-called “private” schools serve the public good just as well as (if not better than) so-called “public” schools. Parents should be allowed to choose the educational institutions that best suit their needs.



This education reform must be accomplished in a manner that does not interfere with the freedom and distinctive identities of nongovernmental schools.⁶⁴ This is critical. Nongovernmental schools must be able to maintain their distinctive religious or philosophical character, their academic standards, and control over hiring, curriculum, and admissions. A Montessori school should not be required to admit a child or hire a teacher who opposes the Montessori approach. If government funding were done in a manner that threatened the independence of nongovernmental schools, they would be discouraged from participation and children would lose the opportunity to attend them.

“Public education” has come to mean *government* education. However, what we need today is *education that serves the public*: education where power flows back to parents; where empowered parents are able to choose schools as they see fit (public charter schools, other government schools, private schools, homeschools, cyber schools, or other schools yet to come); where schools of all stripes that offer quality education are free to compete to serve parents; where the success of schools depends more on satisfying parents who freely choose them than on pleasing bureaucracies; and where nongovernmental schools retain their independence.

This is the direction in which we must go. But getting there will not be easy.

ENDNOTES

- 1 Paul Peterson, Henry Lee Shattuck Professor of Government, Harvard University, says that reforms in the education system since Horace Mann in the nineteenth century have “shifted control of education away from parents and localities to professionals operating within larger legal entities – large districts, collective-bargaining agreements, state governments, court jurisdictions, and federal executive agencies.” Paul Peterson, *Saving Schools: From Horace Mann to Virtual Learning* (Cambridge: Belknap Press of Harvard University Press, 2010), 17.
- 2 Let it be said that whatever problems exist within the current educational system, there are extraordinary people working valiantly in it to accommodate parents. In every school district and state there are teachers who go the extra mile to work with parents, administrators who treat parents with respect, and reformers who work to create parent-friendly schools and practices. These people are heroes who deserve our gratitude. Many of them are frustrated with the system and bear the scars of bucking it. That is an underlying point in my analysis: the educational system, as a whole, makes life difficult for those who rock the boat whether they be parents or reform-minded educators.
- 3 It is ironic that so many of the people who would fight to the death for the autonomy of inner-city parents to vote for the candidate they prefer, or – while using government assistance – to choose where to buy groceries or what doctors to use for their children, would just as fiercely oppose empowering the same parents to choose the schools their children attend.
- 4 Families are among the units of society independent of the state that Edmund Burke, the British statesman, called the “little platoons” of society. They are essential to civil society. “To be attached to the subdivision, to love the little platoon we belong to in society,” Burke observed, “is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love

to our country and to mankind.” Edmund Burke, *Select Works of Edmund Burke*, vol. 2 (*Reflections on the Revolution in France*) (Indianapolis: Liberty Fund, 1999), 55. This work is available in an online archive through Liberty Fund’s website.

- 5 Coleman is best known for his massive report on educational equality for the federal government, “Equality of Educational Opportunity” (1966), commonly called “the Coleman Report.” He also produced reports on school busing and white flight, on the advantages of private schools, and on a wide range of additional topics.
- 6 James S. Coleman, “Changes in the Family and Implications for the Common School” (Chicago: University of Chicago Legal Forum, 1991), 153-168; James S. Coleman and Thomas Hoffer, *Public and Private High Schools: The Impact of Communities* (New York: Basic Books, 1987), 228-231. “In recent years, sociologists and a few economists have recognized that the social relations that exist in the family or in the community outside the family also constitute a form of capital. These social relations generate obligations, trust, and norms, all of which function as resources upon which an individual can draw in time of need. While physical or financial capital exists wholly in tangible resources, and human capital is a property of individual persons, social capital is a set of resources that resides in the relations among persons. All of these forms of capital are important for a child’s education.” Coleman, “Changes in the Family and Implications for the Common School,” 163.
- 7 For additional discussion of the academic benefits of religious schools, see William Jeynes, “The Academic Contributions of Faith-Based Schools,” *Preserving a Critical National Asset: America’s Disadvantaged Students and the Crisis in Faith-based Urban Schools* (Washington, D.C.: U.S. Department of Education, 2008), 78-81. (Link: <<http://www2.ed.gov/admins/comm/choice/faithbased/report.pdf>>) Jeynes, of California State University at Long Beach, finds that minority and low-income students gain the most by attending religious schools. Religious schools reduce the “achievement gap” between black

- and white students by 25 percent, and between high and low-income students by 25 percent. *See also* William H. Jeynes, "Religion, Intact Families, and the Achievement Gap," *Interdisciplinary Journal of Research on Religion* (Volume 3, 2007), 1-24. (Link: <http://www.religjournal.com/articles/article_view.php?id=21>) *See also* "Academic Benefits of Faith-Based Schools," *Preserving a Critical National Asset*, 6-9.
- 8 Coleman, "Changes in the Family and Implications for the Common School," 159-163.
 - 9 Coleman, "Changes in the Family and Implications for the Common School," 169.
 - 10 James S. Coleman, University of Chicago's 1985 Ryerson Lecture, "Schools, Families, and Children" (Chicago: Univ. of Chicago, 1985), 17.
 - 11 Coleman, "Schools, Families, and Children," 16.
 - 12 Coleman, "Schools, Families, and Children," 16.
 - 13 Coleman, "Schools, Families, and Children," 17.
 - 14 Coleman, "Schools, Families, and Children," 17.
 - 15 Coleman, "Schools, Families, and Children," 17-18.
 - 16 Coleman, "Schools, Families, and Children," 17-18.
 - 17 Coleman, "Schools, Families, and Children," 18 (emphasis added).
 - 18 Coleman, "Schools, Families, and Children," 18.
 - 19 Coleman, "Schools, Families, and Children," 18.
 - 20 Coleman, "Schools, Families, and Children," 18-19.
 - 21 Coleman, "Schools, Families, and Children," 19.
 - 22 Coleman, "Schools, Families, and Children," 19 (emphasis added).
 - 23 Not so incidentally, a shift of paradigms could threaten jobs, status, and power.
 - 24 Private schools were the original schools in the British colonies and later in the newly formed United States. For many years, private schools were part of a decentralized system of schooling that provided education to Americans prior to the birth of the modern public school system in the middle of the nineteenth century. Historian Lawrence A. Cremin writes: "The primary accomplishment of the public-school movement of the 1840s and 1850s was obviously not to initiate popular schooling. . . . What occurred was a diffusion and a consolidation, but not a beginning." Lawrence A. Cremin, *Traditions of American Education*, (New York: Basic Books, 1976), 49-50.
 - 25 Charles Leslie Glenn, Jr., *The Myth of the Common School* (Amherst, Mass.: Univ. of Massachusetts Press, 1988), ix. Glenn's history describes the manner in which the ideology of state schooling emerged and developed in France, the Netherlands, and the U.S.
 - 26 Charles L. Glenn, "Fanatical Secularism," *Education Next* (Winter 2003): 62 (LINK: <http://media.hoover.org/documents/ednext20031_60.pdf >)
 - 27 Glenn, "Fanatical Secularism," 62.
 - 28 Glenn, "Fanatical Secularism," 62.
 - 29 Glenn, "Fanatical Secularism." It is notable that while Mann rejected Catholic or Calvinist orthodoxy, he still included religion in the schools, however, the religion was closer to his Unitarianism than to doctrinal Christianity. Indeed, his orthodox enemies saw Mann as undermining what was taught in their churches and homes. The common school movement itself took on religious overtones. "The human situation, for [Mann], was as hopeless as a Calvinist would have painted it; the significant difference was that, for Mann, the agent of redemption was the common school." Glenn, *The Myth of the Common School*, 83.
 - 30 Glenn, *The Myth of the Common School*, 219 (citing Carl F. Kaestle and Maris A. Vinovskis, *Education and Social Change in Nineteenth-Century Massachusetts* (Cambridge: Cambridge Univ. Press, 1980)).

- 31 Glenn, *The Myth of the Common School*, 219-222.
- 32 “Horace’s three children were taught by his wife, Mary. ‘As a father, he fell back on the educational responsibilities of the family,’ wrote his biographer Jonathan Messeli, ‘hoping to make the fireside achieve for his own son what he wanted the schools to accomplish for others.’” Peterson, *Saving Schools*, 30 (quoting Jonathan Messerli, *Horace Mann: A Biography* (New York: Knopf, 1972), 429.
- 33 Glenn, *The Myth of the Common School*, xi.
- 34 Glenn, *The Myth of the Common School*, 196-206. Lloyd P. Jorgenson, *The State and the Non-Public School 1825-1925* (Columbia, Mo.: Univ. of Missouri Press, 1987), 69-145.
- 35 The Becket Fund for Religious Liberty, “Blaine Amendments,” (Washington, D.C.: 2003) (Link: <<http://www.blaineamendments.org/states/states.html> >); “**Blaine Amendments**,” (*Washington, D.C.: Feb. 8, 2010*) (Link: <<http://www.becketfund.org/index.php/article/1271.html> >).
- 36 “It was not widely appreciated until recently that Blaine Amendments were passed as a direct result of the nativist, anti-Catholic bigotry that was a recurring theme in American politics during the 19th and early 20th centuries. Finally, in the Supreme Court’s *Mitchell v. Helms* decision in 2000, the four-Justice plurality explicitly recognized that use of the term ‘pervasively sectarian’ in law was a ‘doctrine born of bigotry [that] should be buried now.’ Justice Breyer’s dissent in *Zelman v. Simmons-Harris* further acknowledges this tainted history. After *Locke v. Davey* in 2004, the court made clear that since Blaine Amendments ‘have been linked with anti-Catholicism’ they are unique creatures that merit especially close examination, suggesting that they may be buried by the court soon.” The Becket Fund for Religious Liberty, “What are Blaine Amendments?” (Washington, D.C.: 2003) (Link: <<http://www.blaineamendments.org/Intro/whatis.html> >).
- 37 *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).
- 38 The Becket Fund for Religious Liberty, “What are Blaine Amendments?” (Washington, D.C.: 2003) (Link: <<http://www.blaineamendments.org/Intro/whatis.html> >).
- 39 “Ku Klux Influence Held to Be Responsible for Enactment of Compulsory School Law,” *New York Times*, Dec. 3, 1922.
- 40 *The Oregonian*, November 5, 1922 (emphasis in original).
- 41 *Pierce v. Society of Sisters*, 268 US 510 (1925).
- 42 *Pierce v. Society of Sisters*, 268 U.S. at 524-527 (syllabus).
- 43 *Pierce v. Society of Sisters*, 268 U.S. at 518-519 (syllabus). In its brief, the parochial school quoted Pufendorf’s *Law of Nature and Nations*, “Take away from the parents all care and concern for their children’s education, and you make a social life an impossible and unintelligible notion.” *Pierce v. Society of Sisters*, 268 U.S. at 518 (syllabus). The schools also argued that the law took away the rights of schools to operate as a business and for teachers to work professionally.
- 44 *Pierce v. Society of Sisters*, 268 U.S. at 534-535 (emphasis added).
- 45 *The Collected Dialogues of Plato*, ed. by Edith Hamilton and Huntington Cairns (Princeton, 1961), Bk V, 457d.
- 46 In a 1923 case in which the Supreme Court struck down a Nebraska law prohibiting a Lutheran school from teaching German, the Court noted Plato’s proposal and Sparta’s practice, and vigorously rejected “such measures.” *Meyer v. Nebraska*, 262 U.S. 390, 401-402 (“Although such measures have been deliberately approved by men of great genius their ideas touching the relation between individual and state were wholly different from those upon which our institutions rest; and it hardly will be affirmed that any Legislature could impose such restrictions upon the people of a state without doing violence to both letter and spirit of the Constitution.”).

- 47 “Maximilien Robespierre, the leader of the [“Terror”] faction in power, told the National Convention that he was ‘convinced of the necessity of operating a total regeneration, and ... of creating a new people.’” Charles L. Glenn, *Choice of Schools in Six Nations* (Washington, D.C.: U.S. Department of Education, 1989), 11 (quoting Carol Blum, *Rousseau and the Republic of Virtue: The Language of Politics in the French Revolution* (Ithaca: Cornell Univ. Press, 1986), 193).
- 48 Glenn, *Choice of Schools in Six Nations*, 11 (translated from Victor Pierre, *L'école sous la Révolution française*, (Paris: Librairie de la Société Bibliographique, 1881), 86-87); the quote also appears in Glenn, *The Myth of the Common School*, 22. Danton adds, “It is in national schools that children must suck republican milk.” *Id.* For a longer treatment of French Revolutionary educational practice, see Glenn, *Choice of Schools*, 10-20, and Glenn, *The Myth of the Common School*, 15-37. Similarly, after Adolph Hitler and the National Socialists took power in Germany in 1932, the Nazis moved against private schools as part of their program of imposing uniformity in society. Glenn, *Choice of Schools in Six Nations*, 196. For an account of the suppression of private schools in Communist countries, see Charles L. Glenn, *Educational Freedom in Eastern Europe*, 2nd ed. (Washington, D.C.: Cato Institution, 1995).
- 49 This basic right of parents to choose their children’s education, which the U.S. Supreme Court recognized in the *Pierce* case, has also been recognized by the United Nations and other international bodies. The UN’s *Universal Declaration of Human Rights* states: “Parents have a prior right to choose the kind of education that shall be given to their children.” The *International Covenant on Economic, Social and Cultural Rights* pledges “respect for the liberty of parents ... to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.” The *International Covenant on Civil and Political Rights* pledges “respect for the liberty of parents ... to ensure the religious and moral education of their children in conformity with their own convictions.”
- 50 These developments came to dominate American public education in the first half of the twentieth century (professionalism) and the last fifty years (unionization). See Peterson, *Saving Schools*, 37-50 (“John Dewey and the Progressives”) and 105-131 (“Albert Shanker and Collective Bargaining”).
- 51 Peterson, *Saving Schools*, 45.
- 52 Peterson, *Saving Schools*, 45-49 (quote on p. 49).
- 53 Peterson, *Saving Schools*, 106.
- 54 Peterson, *Saving Schools*, 114-115. The unions use the money taken from their members for lobbying, political campaigns, and contributions to friendly organizations. See Mike Antonucci, “The Long Reach of Teachers Unions,” *Education Next* (Fall 2010), 24-31 (< <http://educationnext.org/the-long-reach-of-teachers-unions/> >).
- 55 Peterson, *Saving Schools*, 119-130.
- 56 Sarah Grady, Stacey Bielick, and Susan Aud, *Trends in the Use of School Choice: 1993 to 2007* (Washington, D.C.: U.S. Dep’t of Education, National Center for Education Statistics, Institute of Education Sciences, April 2010 (Link: < <http://nces.ed.gov/pubs2010/2010004.pdf> >)).
- 57 U. S. Department of Education, Institute of Education Science, National Center for Education Statistics, *Issue Brief*, “1.5 Million Homeschooled Students in the United States in 2007” (Washington, D.C.: Dec. 2008) (Link: < <http://nces.ed.gov/pubs2009/2009030.pdf> >).
- 58 U.S. Department of Education, Office of Non-Public Education, Office of Innovation and Improvement, “Education Options in the States: State Programs That Provide Financial Assistance for Attendance at Private Elementary or Secondary Schools” (Washington, D.C.: 2009). (Link: <http://www2.ed.gov/parents/schools/choice/educationoptions/index.html> >).

- 59 The reason for the setback of the D.C. Opportunity Scholarship Program is not that parents disliked the program. (they strongly supported it) or that its evaluations were negative (they were good), but because of politics and the muscle of teacher unions. The D.C. Opportunity Scholarship Program, which is being phased out, is the only federal program that provides tuition assistance at private elementary or secondary schools. The U.S. Department of Education has other programs that provide services to private school students and teachers but not scholarships or other forms of assistance for tuition.
- 60 Marcus A. Winters: "School Vouchers Make a Great Recession-era Program," *Washington Examiner* (September 8, 2010) (Link: < <http://www.washingtonexaminer.com/opinion/columns/Marcus-A-Winters-School-vouchers-make-a-great-recession-era-program-102420929.html> >).
- 61 Robert M. Costrell, The Fiscal Impact of the Milwaukee Parental Choice Program: 2009 Update. SCDP Milwaukee Evaluation Report #7 (March 2009), 1-6 (link: < <http://eric.ed.gov/PDFS/ED508637.pdf>>).
- 62 A voucher under Florida's tax-credit program is worth \$3,950, compared with the \$11,077 cost of sending the average student to a public school in the state. Marcus A. Winters: "School vouchers make a great recession-era program."
- 63 Jay Greene of the University of Arkansas and the Manhattan Institute, who has conducted evaluations of the Florida voucher program for children with disabilities and other choice programs, writes that, "at a time of budget pressure, special-ed vouchers could end up saving taxpayers money... In Florida, for instance, where a special-ed voucher program is already operating, the average cost of a voucher for disabled students is \$7,206—far below what taxpayers spend for the average special-ed student in public school." Patrick McCloskey, author of *The Street Stops Here*, says that vouchers in New York City "would save money, too, since the public school system spends about \$20,000 annually on each student, while the Catholic schools achieve their superior re-

sults for about \$5,500 per urban elementary school student and \$8,500 per high schooler." Jay P. Greene and Patrick J. McCloskey, "The Uses of Vouchers," *City Journal* (July 29, 2009)(Link: < http://www.city-journal.org/2009/nytom_school-choice.html >).

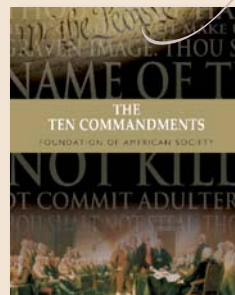
- 64 As the Council for American Private Education noted in an issue paper responding to the movement for unified standards, "The right of parents to choose an education for their children consistent with their beliefs and values should never be compromised through an attempt to standardize schooling." CAPE Issue Paper, "School Accreditation," (Germantown, Md.: Council for American Private Education, March 2010) (Link: <<http://www.cape-net.org/pubpol.html>>).



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