

EDUCATION vs. EQUITY

OBJECTIVITY IN THE WORLD OF 21ST CENTURY EDUCATIONAL RESEARCH

So, here we are at the Department of Education Reform at the University of Arkansas. Some of the faculty members are fresh from their last publication contemplating the next area of interest. Some are graduate students contemplating a thesis topic or mulling over which faculty member might be a good mentor for the next several years. The work comes when we select a school reform topic, read the background literature, devise a research protocol, conduct a study that hopefully leads to reportable results and interpretation in a conclusion, and implications for practice and future research. All in an objective way.

When we put together the *Wiley Handbook of School Choice*, we asked scholars (several of whom are in this room) to apply a general form of this process to the question of whether six common forms of school choice did, or did not, improve student performance (excellence) or educational opportunity for underserved populations (equity). The results demonstrated to us that this was easier said than done.

Despite the clear conclusions to which our authors came on the value of, or damage from, school choice mechanisms, the studies they cited showed marginal results, at best, on which to base a conclusion. Even more interesting, opposing authors frequently cited the *same* studies to prove *opposite* points of view. Our observations of the *Handbook* raised questions in our minds.

- To what degree do researchers bring pre-conceptions into their studies? Do both the choice of topic and the research methodology reflect those pre-conceptions?
- Why don't we see more study and discussion of some of the less-sexy topics like: protecting smaller ethnicities against a move toward universal cultural homogenization (our previous work on ethnocentric charter schools, for instance), the potential positive effects of single-gender schools, the paucity of programs designed for gifted and talented students or the relative lack of attention to Gifted and Talented students?

So, while the *Handbook* fulfilled its role as an introduction to many topics associated with school choice, it raised several questions that don't tend to become evident in the fractionated world of single topic journal articles, AERA presentations and even most of the books we read. Maybe this is what they mean when they say, "you can't see the forest for the trees."

Today, our goal is to make two points:

1. The evidence either for, or against, school choice options done by independent researchers is sparse and scholars tend to be known by their pre-conceptions as well as their careful data collection.
2. There is a broad spectrum of possible school choice that is virtually ignored. This may be because of researcher interest or it may be because of federal government funding priorities, but it exists nevertheless. Today, we will touch briefly on the subject of Gifted and Talented education to show you what we mean. Who knows? Maybe someone in this room will be the next nationally-recognized scholar in the field of GT choice programs.

SUGGESTED READING

From the Wiley Handbook of School Choice:

Introduction

See separate attached file

Conclusion

See separate attached file

From the National Education Policy Center:

Attempt to Refute Suspension's Harmful Academic Impact Falls Flat

BOULDER, CO (June 1, 2017) – A new report from the Department of Education Reform at the University of Arkansas examines the association between out-of-school suspensions and student test scores. The findings and conclusions presented in the “working paper,” however, lack validity on multiple grounds.

Understanding a Vicious Cycle: Do Out-of-School Suspensions Impact Student Test Scores? was [reviewed](#) by Brea L. Perry of Indiana University and Daniel Losen of the University of California Los Angeles.

Using dynamic and multilevel regression modeling of six years of student discipline records from all K-12 public schools in Arkansas, the paper purports to estimate a causal relationship between exclusionary discipline and academic performance. It concludes, in contrast to prior work, that the number of days of suspension a student receives has a very modest positive relationship to math and language arts test scores.

The reviewers explain that the effects of out-of-school suspension are not measured in the academic year in which suspensions occurred, but instead are measured at least a full academic year later. In other words, the study design does not adequately capture lost instructional time, deterioration of student-teacher relationships, psychological distress, and other immediate consequences of suspension that would logically affect academic performance in the same academic year. Instead, the analyses only consider the delayed effect of suspension, without accounting for suspensions occurring more recently.

The findings also have weak face validity in light of the weight of evidence suggesting that exclusionary discipline and school absences have adverse effects on key outcomes such as test scores, GPA, grade retention, and dropping out – including research conducted using the Arkansas dataset by a member of this same research team, examining grade retention.

For these and other reasons, the reviewers caution that this paper should not be used to guide disciplinary policy and practice.

Find the review by Brea L. Perry and Daniel Losen at:
<http://nepc.colorado.edu/thinktank/review-discipline>

Find *Understanding a Vicious Cycle: Do Out-of-School Suspensions Impact Student Test Scores?* by Kaitlin P. Anderson, Gary W. Ritter, & Gema Zamarro, published by The University of Arkansas, Department of Education Reform, at: <http://www.uaedreform.org/downloads/2017/03/understanding-a-vicious-cycle-do-out-of-school-suspensions-impact-student-test-scores.pdf>

Examination of New York City Charter School Success Misses the Mark

BOULDER, CO (May 9, 2017) – In recent years, the nation has seen a debate regarding the effectiveness of charter schools and their impact on the larger school systems in which they operate. A recent Manhattan Institute report explores the question of whether or to what extent the performance of New York City (NYC) charter schools is explained by “cream-skimming,” or drawing a group of students from public schools who are disproportionately motivated and academically accomplished.

New York Charter Schools Outperform Traditional Selective Public Schools: More Evidence that Cream-Skimming is Not Driving Charters' Success was [reviewed](#) by Sarah A. Cordes of Temple University.

The report compares the performance of NYC's charter middle schools with a set of selective but non-charter public middle schools. Unlike most public schools, these NYC schools consider students' prior performance before admitting them and therefore make an interesting comparison group for charters.

Findings presented in the report suggest that, controlling for student characteristics, charter schools perform no differently in English Language Arts and significantly better in math than the selective schools. Based on this, the report concludes that the performance of NYC charter schools cannot be explained by cream-skimming.

While on its face this conclusion may seem logical, Professor Cordes notes that the report suffers from two primary flaws. First, it assumes that selective school applicants are higher performing and more motivated than charter school applicants. This is an unfounded assumption because all students are required to apply to traditional middle schools in NYC, while applying to a charter school requires navigating an additional application process. Second, the report relies on a single year of data to make comparisons of inappropriate outcomes that do not capture individual student growth—an approach that does not address either the question of cream-skimming or charter school success.

Accordingly, as an examination of cream-skimming in charter schools, this report misses the mark. Professor Cordes writes, “Addressing the question of cream-skimming in NYC charter schools will require the use of longitudinal student-level data and much more rigorous methods.”

Find the review by Sarah A. Cordes at:
<http://nepc.colorado.edu/thinktank/review-nyc-charters>

Find *New York Charter Schools Outperform Traditional Selective Public Schools: More Evidence that Cream-Skimming is Not Driving Charters' Success*, by Marcus A. Winters, published by the Manhattan Institute, at: <https://www.manhattan-institute.org/sites/default/files/R-MW-0317.pdf>

Report Wrongly Claims to Provide Answers on Wisconsin School Choice Policies

BOULDER, CO (April 25, 2017) – A recent report from the Wisconsin Institute for Law and Liberty attempts to compare student test score performance for the 2015-16 school year across Wisconsin’s public schools, charter schools, and private schools participating in one of the state’s voucher programs. Though it highlights important patterns in student test score performance, the report’s limited analyses fail to provide answers as to the relative effectiveness of school choice policies.

Apples to Apples: The Definitive Look at School Test Scores in Milwaukee and Wisconsin was [reviewed](#) by Benjamin Shear of the University of Colorado Boulder.

Comparing a single year’s test scores across school sectors that serve different student populations is inherently problematic. One fundamental problem of isolating variations in scores that might be attributed to school differences is that the analyses must adequately control for dissimilar student characteristics among those enrolled in the different schools. The report uses linear regression models that use school-level characteristics to attempt to adjust for these differences and make what the authors claim are “apples to apples” comparisons. Based on these analyses, the report concludes that choice and charter schools in Wisconsin are more effective than traditional public schools.

Unfortunately, the limited nature of available data undermines any such causal conclusions. The inadequate and small number of school-level variables included in the regression models are not able to control for important confounding variables, most notably prior student achievement. Further, the use of aggregate percent-proficient metrics masks variation in performance across grade levels and makes the results sensitive to the (arbitrary) location of the proficiency cut scores. The report’s description of methods and results also includes some troubling inconsistencies. For example the report attempts to use a methodology known as “fixed effects” to analyze test score data in districts outside Milwaukee, but such a methodology is not possible with the data described in the report.

Thus, concludes Professor Shear, while the report does present important descriptive statistics about test score performance in Wisconsin, it wrongly claims to provide answers for those interested in determining which schools or school choice policies in Wisconsin are most effective.

Find the review by Benjamin Shear at:

<http://nepc.colorado.edu/thinktank/review-milwaukee-vouchers>

Find *Apples to Apples: The Definitive Look at School Test Scores in Milwaukee and Wisconsin*, by Will Flanders, published by the Wisconsin Institute for Law and Liberty, at:

<http://www.will-law.org/wp-content/uploads/2017/03/apples.pdf>

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Recommended GT Readings

1. The Big Sort: To win back families, Detroit district plans a sweeping search for gifted students BY Amanda Rahn

FEBRUARY 20, 2018 Chalkbeat Education News. In context. <https://chalkbeat.org/posts/detroit/2018/02/20/to-win-back-families-detroit-district-plans-a-sweeping-search-for-gifted-students/>

2. Who Are The 'Gifted And Talented' And What Do They Need? by Anya Kamenetz

September 28, 2015 7:03 AM

ET <https://www.npr.org/sections/ed/2015/09/28/443193523/who-are-the-gifted-and-talented-and-what-do-they-need>

Serving Students with Exceptional Promise by STEM Network Working Group

March 9, 2018 <https://www.nagc.org/blog/serving-students-exceptional-promise>

Additional Reading on GT

Jack Kent Cook Foundation Equal Talents Unequal Opportunities https://www.jkcf.org/assets/1/7/FINAL_2018_JKCF_-_Equal_Talents_Unequal_Opportunities_-_Web_version.pdf

The Fordham Foundation:

High Stakes for High Achievers in the Age of ESSA <https://edexcellence.net/publications/high-stakes-for-high-achievers-in-the-age-of-essa>

Is there a Gifted Gap? <https://edexcellence.net/publications/is-there-a-gifted-gap>

INTRODUCTION

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The Merriam-Webster dictionary defines “introduction” as “(1): a part of a book or treatise preliminary to the main portion (2): a preliminary treatise or course of study.” (Merriam-Webster, n.p.). Despite the fact that this is the “introduction,” it may not surprise you to know that it is being written *after* all of the other chapters were completed, reviewed, edited, and accepted. So, with the foresight that comes from having already read the handbook, we ponder our choices in how best to welcome you to this experience. Upon reflection, we conclude that the dictionary definition reveals a good plan. We will begin by describing the concept that led to the way the book is organized and provide a guide or map, which we hope will tie these thirty-eight chapters into a single enlightening experience. Following this, we introduce the topic of this handbook: school choice, and discuss some of the phenomena that make it one of the most debated topics in American education today.

The Handbook of School Choice. Why call it a handbook? And, if we were going to write a handbook, why make it about *school choice*? Now that you've opened this book, what can you expect to get out of it? This introduction seeks to answer these questions and, through these answers, to provide the reader with a guide map to the next 285,000 words divided into thirty-nine chapters prepared by more than 65 of America's (and—as you will soon see—the world's) foremost scholars in the field of school choice. That's a lot of words and a lot of chapters, but we believe that, when you finish reading this handbook, you will consider the effort well worth it and you will consult the book again and again.

I.1 Who Cares About School Choice?

In 2012-2013, there were 6,100 charter schools teaching 2.3 million children (National Center for Education Statistics, 2015). There are currently about 2.2 million home-educated students in the United States (Ray, 2015). Approximately 5,488,000 children are educated in 33,366 private schools (Statistic Brain Research Institute, n.d.). The National Education Policy Center estimates that, during the 2011-2012 academic year, there were nearly 200,000 students enrolled in 311 full-time virtual schools (National Center for Education Statistics, 2013a, p. 4). There are 2,722 magnet schools serving 2,055,133 students (National Center for Education Statistics, n.d.a). Approximately 70,000 students are participating in the 10 most widely reported school voucher programs (Spalding, 2014, p. 7). While some of these numbers overlap (the majority of virtual schools are charter schools, for instance), this is a *lot* of people.

The American Educational Research Association (AERA) has more than 25,000 members. This huge number has divided itself into over 155 special interest groups (SIGs) (AERA, n.d.a), designed to focus member interests into the many subsets that collectively comprise the study of education. SIGs range from obvious topics such as “Teaching History” or “Sociology of Education” to more esoteric ones such as “Rasch Measurement” or “Chaos and Complexity Theories” to downright unexpected ones such as “Elliot Eisner” or “Hip Hop Theories, Praxis & Pedagogies.” But few topics affect so many people personally and generate so much policy discussion as how to balance the

country's arguable need for a common educational system (designed to create an informed citizenry capable of competing in the twenty-first century global village) against parents' arguable rights to guide the development of their own children. It is the quest for mechanisms that can contribute to evening the scales of this debate that we dub "school choice." With a growing public propensity to question, rather than to take for granted, government's activities related to education, school choice has become a hotter and hotter topic. Hence, over the past few years, researchers have formed a Charters & School Choice SIG within AERA (AERA, n.d.b) and organizers have conducted four successful conferences on International School Choice & Reform (see, for instance, <https://www.regonline.com/builder/site/Default.aspx?EventID=1572590>.)

1.2 The *Handbook* of School Choice

This handbook is designed as an introduction to the subjects of school choice. Authors range from retired professors emeriti whose names are virtually synonymous with the subjects on which they write, to junior researchers who, we are confident you will agree, will be the professors emeriti of tomorrow. These contributors come from universities, think tanks, advocacy organizations, and schools of choice. They come from around the United States and around the world. We are honored to have been the agents of bringing them together in what we believe will be a defining book on school choice.

First, this book is a *handbook* because it has been our goal from the start that it be usable and *used* by scholars, practitioners, parents, policy makers, and college students studying education in America. While its format is that used by formal educational scholars (careful attention to citations and quotations, extensive reference sections in American Psychological Association [APA] format), its organization and—for the most part—the contributors' writing styles are different from that found in most peer-reviewed journal articles. The handbook is designed to be *readable*. Several of the authors assume a very personal tone; sharing their own experiences as children, or parents, or scientists in a way to which most people ought to be able to relate. Further, each of the main sections of the book concludes with a chapter written by someone from outside the United States. The goal is to provide an international viewpoint. How can we understand complex

educational issues in our country unless we are able to set them in a wider, international, context? In addition to an initial general chapter on international school choice, you will find out how private schools work in Portugal (Chapter 10), how magnet schools work in England (Chapter 14), how charter-like schools work in Sweden (Chapter 18), how Chile has fared with its well-documented experiment with school vouchers (Chapter 22), how Canada provides for home schooling (Chapter 26), and how virtual schools look in Australia (Chapter 30).

Because it is literally impossible to put into a single handbook all the information that a reader might want, you will observe that every chapter ends with a very extensive reference list. This serves two purposes: for scholars, it is the way that authors validate their assertions, but for general readers, these reference lists are designed to serve as entry points for further study on whichever topics seem most alluring. We expect that you will use this handbook as a jumping off point for further study.

We take a moment to reflect on some of the features of this handbook that become apparent when one considers the book in its entirety. Several of the observations we make here will be repeated when we describe the organization of the handbook below. This is not altogether a mistake. We want you to read this handbook with your eyes wide open and pointing out that the authors are, first of all, people who will help you to do that.

First, you will notice how many times authors refer to the same phenomena, the same research studies, the same laws, or the same seminal court cases. As one gets farther and farther into the handbook, one will start to recognize references that were made many chapters earlier. This repetition was not deliberate (after all, each chapter was written by a different author team), but—we think—it resulted in a valuable feature of the book. Repetition breeds familiarity and, with a topic as broad as school choice, the more you remember, the better.

A second feature you might note is the counter-play between advocates and opponents. In some of these “pro-con” debates, it almost seems like authors of dueling chapters were part of a public debate presentation. For the most part, these authors did

not have access to their counterparts' chapters, so one has to imagine boxers squaring off against one another with blindfolds on. What this tends to show is that certain well-known scholars (and most of our authors are well-known scholars) become so associated with their writing and their research that they are almost synonymous with a strong point of view. Articulating *for* a position ends up being articulating for the works of some scholars. See if you can figure out about whom we are talking as you read through the handbook.

A third feature to notice is the way educational scholars tend to write. The tendency to cite authorities for virtually every statement is a time-honored academic tradition. But, while most of our authors are careful to distinguish between their recounting of *fact* and their reciting of their own *opinions* or *conclusions*, one can recognize their preference for certain data or schools of thought over others. This leaves the novice with a daunting task. You'll have to decide for yourself whom to believe. Or, even better, you can follow some of the references at the end of each chapter and come to your own conclusion. If this handbook gets you thinking, our work will have been done.

Finally, we want to acknowledge that some of the topics in the handbook are exceptionally controversial, leaving their authors with the daunting task of presenting an even-handed picture of themes on which they might have strong personal opinions. Several of the chapters in the last section of this book fall into that category. The authors of the chapters on unions, religion in schools, school choice and special education did admirable jobs in presenting these multi-faceted subjects but you might come away with a suspicion about on which side of these issues each one of them falls. We want to leave you with the thought that this is not a bad thing, just something for you to ponder as you consider their presentations.

The handbook is organized into nine sections.

1. We begin with a three-chapter section, which addresses the history and background of education in general (Chapter 1 by Sylvia Mendez and Monica Yoo of the University of Colorado and John Rury of the University of Kansas) and of school choice in particular (Chapter 2 by Guilbert

Hentschke of the University of Southern California). This section, as most of the sections of the book, concludes with a chapter that seeks to place American school choice within an international context (Chapter 3 by Charles Russo of the University of Dayton and Nina Ranieri of the University of São Paulo.) In some respects, Drs. Russo and Ranieri had the most difficult task because their canvas was the whole world. Narrowing international school choice down to one chapter couldn't have been easy.

2. We next include a section that acknowledges the fact that educational writers bring their own points of view to what they write. We asked three eminent educational scholars to ruminate on school choice from the viewpoint of their own disciplines: in this case, political science (Chapter 4 by Jeffrey Henig of Columbia University), economics (Chapter 5 by Sean Corcoran and Sarah Cordes of New York University), and philosophy (Chapter 6 by Terri Wilson of the University of Colorado). These chapters should give you a sense of the writers before you delve into the depths and details of school choice. With luck, you will see glimpses of the political scientist, economist, and philosopher in all the chapters that follow.

3-8. School choice is a vague term. Indeed, further on in this introduction, we will spend some time considering what it means to make a school choice for yourself, your children, or—if you are a policy maker—your constituents. We have, perforce, selected what we consider to be the six most common forms of school choice: private schools, magnet schools, charter schools, home schooling, school voucher, and virtual—or distance—schools. We treat each of these six forms of school choice in four-chapter groups. Each group consists of (1) a general treatise on the subject including definitions and history, (2) an essay on “The Case For...” in which the author cites the evidence and arguments in support of this school choice form, (3) an essay on “The Case Against...” in which a different author puts forth the criticisms which have been advanced in opposition, and (4) an essay by an

international scholar offering insights into similar programs in their country with an eye toward providing the reader with “Lessons Learned.”

These six sections have several things in common, which we pointed out earlier in this chapter and we repeat in the hopes that you will be noticing them as you read. First, notice that, within each section, several of the authors provide similar (but rarely identical) definitions of the phenomenon and its history. Reading the same thing several times from different authors describing it *slightly differently* provides, we believe, a much stronger insight than would come from one exposition, alone. Second, notice the ways in which the advocates and the opponents marshal their arguments. In the most interesting cases, we find the *same* research studies mentioned in an effort to prove *opposite* points of view. This turned out to be an unforeseen consequence of our decision to commission these opposing views, but may end up to be one of the greatest strengths of the handbook.

9. The final section is a potpourri of essays on major issues that have an impact on the school choice policy debate: unions (Chapter 31, written by Robert Maranto and Evan Rhinesmith of the University of Arkansas), religion in schools (Chapter 32, by Ray Pennings and Elizabeth Green of CARDUS), special education (Chapter 33, by Lauren Morando Rhim of the National Center for Special Education in Charter Schools and Eileen Ahearn of the National Association of State Directors of Special Education), legal decisions (Chapter 34, by Suzanne Eckes of Indiana University and Gina Umpstead of Central Michigan University), the extent to which parental choice actually works in America (Chapter 35, by Janelle Scott of the University of California at Berkeley and Kathy Hill of Columbia University Teachers College), the role of ethnicity in school choice (Chapter 36, by Nina Buchanan, one of the editors of this handbook), and the role that the public media play in this discussion (Chapter 37, by Alex Medler). This final section could have included all sorts of additional topics, but they

suffice to illustrate the extent to which the education and school choice discussion has a major impact on almost all walks of American life.

I.3 The Handbook of *School Choice*

Having described the concept of the handbook and what *makes* it a handbook, we turn to its topic: what, actually, is school choice. You probably wouldn't even have opened this book if you didn't have your own, personal, answer to this question.

Government-run education in the United States is like a lot of government-run things: policing, highways and bridges, food and drug testing, financial markets, and so on. Each of these came into existence in an effort to serve a common good that arguably goes beyond the ability of the individual to bring into effect. Each of these can boast of a string of enviable accomplishments. Kids do get educated, *for the most part*. We are protected from violent crime, *for the most part*. We can get from one place to another with relative speed and safety, *for the most part*. Our food is healthy and our drugs are safe, *for the most part*. Financial markets provide the fuel for an enormous American industry, *for the most part*. But to make these purported contributions to the collective good possible, we find that the institutions that we have created to deliver them seem to take on a life of their own. Notwithstanding efforts to the contrary, each of them (state departments of education, local police departments and the U.S. Department of Justice, the Federal Highway Administration, the Food and Drug Administration, the Securities and Exchange Commission) is essentially self-regulating and, closer to the central topic of this handbook, each promulgates regulations limiting the public's freedom of action.

Turning specifically to education, it is a trade-off. With the exception of home schooling (more on that later), education is a collective activity. (And, as you will see, home schooling, itself, involves more group activities than is commonly realized.) American society begins with the assumption that education is not an option that can be legally rejected by parents. If you don't subject your children to some form of education, you are breaking the law. Second, again with the exception of home schooling, if you

send your children to school, you are inherently limited in two fundamental ways. First, you and your children need to conform to collective norms. In most places, they must have required inoculations. They (and you) are prohibited from certain behaviors and from bringing certain articles into the school. These days, many schools require children to wear uniforms. In some schools, there are required parental behaviors. Second, your children are unavoidably brought into contact with *other* children: their ethoi, their behaviors, and their cultures. The system hopes that you will appreciate the advantage of this; but endure it you must.

The realities of collective activity are not the only phenomena inseparable from most forms of education. With education come teachers. And with teachers come administrators. And with administrators come departments of education and politicians who claim their right to educational opinions because (in their minds) they *fund* education. Each of these groups professes the right (or obligation) to determine one or another aspect of how education is delivered to *your children* and each of these groups asserts the expertise to determine how that aspect is carried out. Parents, most of whom would argue that *they* are the primary source of responsibility for, and authority over, their children, find themselves subordinated to entities one of whose prime purposes is to tell parents what they must do to conform to educational norms which, in many instances, the parents have not set. This describes public education as it largely has been for the last hundred and fifty or so years.

All fifty states have compulsory education laws. The operative words that we take away from this are “compulsory” and “laws.” Absent “school choice,” parents are legally required to present their children to the public education (or approved private education) system. That is the “playing field” from which government and parents start. For the most part, public departments of education assign children to local schools almost exclusively on the basis of where they live. The only parental “choice” within this legal system is to move to a neighborhood in which the school of their choice is located or to send their children to a private school of their choice. Exercising either of these options is generally very easy...if the parents have enough money. Without money: not so much. The various school choice options discussed in this handbook can be said to be ways of

accomplishing this same choice option for families that *don't* have that much money. So school choice is more than about better schooling; it is about equal opportunity.

I.4 Making An Editorial Choice About School Choice: Have They Gone Beyond the Promises?

In this section, we touch briefly on the historical roots of the various forms of school choice discussed in this handbook. Our purpose is to introduce a little doubt regarding the fidelity with which current versions of these programs reflect their philosophical beginnings. Education is an enormous topic and this handbook seeks only to be a vestibule through which you will move as you delve further into school choice issues.

Philosophically, Americans tend to support a society that affords the individual as much freedom as possible subject to the rights and needs of fellow members of society. Freedom to choose results in a cacophony of television and radio stations, a riot of clothing colors and styles, a rainbow of automobile sizes, colors and designs, and an array of housing structures. We look very carefully at regulations that impose the collective will on individuals and, to a greater and greater extent as we move into the twenty-first century, we remove those regulations in favor of individual choice. (Although it might be noted that providing for individual choice seems to carry with it myriad *other* regulations). Some might say that we are heading toward an impasse between individual and societal needs. Perhaps the most famous phrase associated with this issue (often attributed—apparently incorrectly—to Oliver Wendell Holmes, Jr. or John Stuart Mill or Abraham Lincoln) arguably comes from the June, 1919 Harvard Law Review, in which legal philosopher Zechariah Chafee, Jr. said

Each side takes the position of a man who was arrested for swinging his arms and hitting another in the nose, and asked the judge if he did not have the right to swing his arms in a free country. “Your right to swing your arms ends just where the other man’s nose begins.”

Quote Investigator, (n.d.)

Attempts to find the original source of this aphorism lead to other examples further and further back in time, but, even without our being sure who said it, the basic point is there: how important is it for society to limit educational freedom in order to accomplish its ends, be these the development of an educated citizenry, competent workers, racial equality, whatever? We conclude that each of the six flavors of school choice discussed in this handbook is an attempt to answer this question in a different way. None of them explicitly disputes these societal goals. Each of them seeks to balance those goals with its perception of the educational right of the individual. And there is evidence that human nature is such that each of them brings weaknesses along with strengths.

I.5 Private Schools

Private schools have been around since before public schools existed. Robert Kennedy, in "How Private Schools Evolved in the United States," (2014) writes

The first private schools were established by the religious missionaries of the Roman Catholic Church in Florida and Louisiana. By all accounts education in the northeastern colonies was better organized in the 18th century than its counterpart in the southern states. Schools such as Boston Latin School were founded in order to teach the Classical Languages of Latin and Greek. In Manhattan Collegiate School "was established by the Dutch West India Company and the Classis of Amsterdam, the parent ecclesiastical body of the Dutch Reformed Church for the colonists of New Amsterdam." In Washington, DC, Georgetown Preparatory School was "founded in 1789 by America's first Catholic bishop, Prep is the nation's oldest Jesuit school and the only Jesuit boarding school....

...In the 19th century, a uniform, organized system of public education did not take shape until the 1840s."

(n.p.)

So, twenty-first century American private education finds itself on the defensive against inroads from a public school system that was founded almost 200 years after schooling appeared in America. What's more, in an age when private schooling is more and more out of the financial reach of many Americans, the country's romance with church-state separation would likely have resulted in the closure of the schools Kennedy describes above. In Chapter 7, Ron Reynolds of the California Association of Private Schools describes the history and background of private schools in America. In Chapter

8, Joe McTighe of the Council for American Private Education provides reasons for the continuing popularity of private schools to which Jeanne Powers and Amanda Potterton of Arizona State University, in Chapter 9, make counter-arguments. Rodrigo Queiroz e Melo from Universidade Católica Portuguesa highlights the differences between private schools in America and Portugal in Chapter 10.

I.6 Magnet Schools

Magnet schools have a somewhat shorter history. They “began as an effort to desegregate public schools, and they serve that mission today. The main idea is to give students a choice in public schools in the hopes that a school attracts (like a magnet) students from different social, economic, ethnic and racial backgrounds.” (Lawyers.com, n.d.). In 1968, “the first school designed to reduce racial isolation by offering a choice to parents was an elementary school in Tacoma, Washington, called McCarver.” (Waldrip, n.d.). In many cases, magnet schools were offered as a voluntary alternative to forced school busing. But critics argue that the very allure of magnet schools siphons off high-performing children. Jia Wang and Joan Herman from UCLA write about the history of magnet schools in Chapter 11. The pros and cons of magnet schools are discussed by Gladys Pack from Magnet Schools of America in Chapter 12 and Christine Rossell of Boston University in Chapter 13, respectively. We learn about the analogy between magnet schools and England’s “specialist schools” in Chapter 14, written by Christopher Chapman and Hannah Chestnutt of Glasgow University.

I.7 Charter Schools

Charter schools, the growth of which is often credited to Albert Shanker, actually came from an idea by Ray Budde in the early 1970s. It is perhaps best described in Budde’s 1988 treatise, “Education by Charter: Restructuring School Districts,” in which he examined and proposed changes in virtually every corner of the educational establishment. Budde describes the charter concept in great detail by recounting (pp. 47–69) a hypothetical presentation to a year-opening staff meeting of the “Hometown Public Schools.” It makes for fascinating reading. But efforts to make successful charter schools more widely available have blurred their

original purpose. The current evolution of Educational Management Organizations (EMOs), which “scale up” charter schools by functioning as a sort of super-School Department, raises concerns about the extent to which today’s charter schools are faithful to Budde’s (and Shanker’s) visions of schools free to try new, teacher- and parent- devised strategies. Chapter 15 begins the discussion of charter schools with a treatment by Gary Miron of Western Michigan University. In Chapter 16, Susan Pendergrass and Joan Herman from the National Alliance for Public Charter Schools make the case for charters. In Chapter 17, F. Howard Nelson from the American Federation of Teachers, makes the argument against. In Chapter 18, Gunnel Mohme of Stockholm University describes “independent schools” in Sweden and draws analogies between them and American charters.

I.8 Vouchers

Vouchers is an idea largely credited to Milton Friedman’s *Capitalism and Freedom* (1962), where he said

Governments could require a minimum level of schooling financed by giving parents vouchers redeemable for a specified maximum sum per child per year if spent on "approved" educational services. Parents would then be free to spend this sum and any additional sum they themselves provided on purchasing educational services from an "approved" institution of their own choice. The educational services could be rendered by private enterprises operated for profit, or by non-profit institutions. The role of government would be limited to insuring that the schools met certain minimum standards, such as the inclusion of a minimum common content in their programs, much as it now inspects restaurants.

(Friedman, 1962, p. 89)

For Friedman, vouchers were not tools to be used to accomplish societal goals; they were freedom tickets *from* societal goals. The current use of vouchers and voucher-like programs to ameliorate income inequality, for example, while undeniably admirable, arguably strays from his original pure premise. Chapter 19, written by John Witte of the University of Wisconsin, introduces us to school vouchers. In Chapter 20, Patrick Wolf from the University of Arkansas speaks to the

effectiveness of vouchers. In Chapter 21, Christopher Lubienski and T. Jamison Brewer from the University of Illinois are equally articulate in presenting their negative conclusions. In Chapter 22, Claudio Sapelli from the Pontificia Universidad Católica de Chile, shares lessons learned from Chile's much-researched school voucher program.

I.9 Home Schools

Home schools might be thought of as the tortoise of American education. It just keeps its head down and keeps plodding along. As noted above, more than 2 million children are educated at home. Despite rigorous state certification laws specifying who can be called a 'school teacher,' the majority of states place no minimum educational requirement, whatsoever, on parents who want to home school their children. Of those states that do have educational requirements, the majority-nine-only require a high school diploma (Huseman, 2015). Twenty-eight states have no progress assessment requirement. Despite the stereotype of home schooling parents as conservative Christians, evidence suggests a much wider range of parental motivations, foremost among them concerns about the safety and efficacy of American public schools. In Chapter 23, Brian Ray of the National Home Education Research Institute describes the background and history of home schooling in America. In Chapter 24, Darren Jones of the Home School Legal Defense Association reviews evidence in support of this phenomenon. In Chapter 25, Martha Albertson Fineman of Emory University School of Law takes the apposite position. Canada, whose home school laws differ from Province to Province, provides a basis of comparison in Chapter 26, written by Lynn Bosetti of the University of British Columbia and Deani Van Pelt of Fraser Institute.

I.10 Virtual Schools

In some respects, virtual schools are the new kid on the block, having only come into existence with the coming of the internet. However, they are clearly the heirs of the distance education and correspondence schools of a previous

generation. The advent of essentially instantaneous communication has allowed synchronous learning experiences to take place at widely separated sites. Often touted as allowing custom-made instructional programs for children displaying various needs or the inability to travel to central school sites, they continue to be plagued by lack of data concerning such things as the ability of adults to supervise the education of children with whom they do not come into direct contact. In Chapter 27, Leanna Archambault of Arizona State University and Kathryn Kennedy of the Michigan Virtual Learning Research Institute introduce us to this twenty-first century education phenomenon. In Chapter 28, Jered Borup of George Mason University, also working with Kathryn Kennedy, speaks to the advantages of virtual learning, while, in Chapter 29, Michael Barbour of Sacred Heart University warns us of some of its pitfalls. In Chapter 30, Jennifer Buckingham of the Centre for Independent Studies in Sydney describes the history of distance learning in the widely separated land of Australia.

I.11 What Is Different About America that Makes School Choice So Attractive?

As will become clear to the readers of this handbook, numerous other countries are experiencing similar concerns about their education system and are undertaking experiments similar to those described here. What makes American education unique? It isn't its population. America has the world's third largest population after India and China (World Bank, n.d.). It isn't the size of its educational enterprise. NCES estimates that, in 2016, almost 55 million children are enrolled in public or private K-12 schools. (NCES, 2013b), whereas, in 2010, China had about 400 million children in school. (LaFleur, 2010 cited in China Mike, n.d.). It isn't its educational performance. In 2012, America ranked thirty-sixth among industrial nations in mean mathematics performance on the Programme for International Student Assessment (PISA) administered by the Organisation for Economic Co-operation and Development (OECD). (PISA, 2014, p. 5). And that is after spending more on education than any other country in the world.

1.) Almost unique among countries, America's constitution places no responsibility for education on the federal government. In the United States, education is

strictly a state function. While the weight of federal funding permits the central government to exercise considerable influence over local education, it remains legally the province of individual states that, in all but one state (Hawaii) devolve the matter to approximately 13,500 local school boards. Where many countries adopt a national curriculum describing what its citizens should learn, the concept of an American ‘common core’ curriculum remains a hot political battleground (Bidwell, 2106).

2.) The issue of keeping government and religion separate is much stronger in the United States than in many other countries. In fact, many Americans take church–state separation so much for granted (whether they are for it or against it) that they are surprised to learn how permeable this division is in many other countries. To be sure, part of this is due to the fact that many initial settlers ‘fled’ to the new world to escape religious persecution. Certainly, the U.S. Constitution’s First Amendment,

Congress shall make no law respecting an *establishment* of religion, or prohibiting the *free exercise* thereof; or abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (emphasis added)

U.S. Constitution, First Amendment (U.S. Government Archives, n.d.a)

make it clear that the founders had a great concern to separate religion from government.

Equally as central to America’s concerns about church–state separation are the so-called Blaine Amendments that are found in at least thirty-seven state constitutions (Duncan, 2003, pp. 493–593). The amendments to state constitutions nominally prohibit government involvement in schools that have religious affiliations. Passed in the nineteenth century after a failed attempt by Republican Congressman James Blaine to enact an amendment to the federal constitution, these amendments, taken with the U.S. Constitution’s First Amendment Establishment and Free Exercise clauses, are found at the heart of most recent legal arguments against state aid to religious schools. You will find them mentioned again and again in the chapters of this handbook.

3.) In a country with so many separate educational enterprises (see above), one of the principles that arguably holds education together is that set forth in the Fourteenth

Amendment of the U.S. Constitution. This amendment, ratified July 9, 1868, makes explicit that

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the *equal protection of the laws*. (emphasis added)

U.S. Constitution, Fourteenth Amendment, § 1, US Government Archives n.d.b)

This premise (and its counterpart in almost all state constitutions), is the basis on which many courts have invalidated school choice efforts which are not uniformly available to all citizens.

4.) The United States has enormous education labor unions. The National Education Association (NEA) boasts 3 million members. Stephen Sawchuk, citing NEA Secretary/Treasurer Becky Pringle, says “NEA’s official count is 2,633,144 active members...a decline of 9.4 percent in four years. The total membership is at 2,983,787” (Sawchuk, 2013). The American Federation of Teachers (AFT), America’s second largest education labor union, claims 1,567,377 members (AFT, n.d.). The sum of these memberships actually exceeds the number of teachers, which was estimated in the fall of 2013 to be 3.5 million (National Center for Education Statistics, n.d.b). The explanation is that the membership includes a large number of non-teaching educational workers. The NEA and the AFT rank as the first and third largest labor unions (public or private) in the United States (Infoplease, n.d.). These two unions, together, contributed a combined total of just under 50 million dollars to the 2014 federal election cycle; more than 99.5% going to Democrats and Liberals (Center for Responsive Politics, n.d.). These unions were the third and seventh largest political contributors. Quite apart from what one thinks about these numbers and this involvement (see Chapter 31 for one author team’s take on the subject), this represents an almost unique involvement on an international level.

I.12 The End of the Beginning

If you are a parent contemplating the education of your child, we hope that this handbook will be useful to you assessing your options. If you are a teacher in a public or an alternate school, the handbook should help you gain some insight into what you and your school might seek to accomplish. If you are a policy maker, a broad view of the educational landscape should help to make more effective decisions on the educational enterprises that come under your purview. If you are an educational researcher, you should recognize many of the contributors and many of the arguments they make. This handbook might motivate your future studies.

Bon appetit!

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CONCLUSION

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Thirty-eight chapters ago, we began a journey together. Some of us will put the handbook down and turn to a round of lighter reading (or swim some laps, or take a stroll). For others, this is just the beginning of a deeper study into school choice.

Those devoted souls will follow the breadcrumbs laid down for us by the myriad of references at the end of each chapter and keep studying. You will have noticed how much each author depended upon citations to support the claims that were made. Indeed, in several cases, authors quoted the same sources to support *opposing* arguments. That is the way academic writing works. We'll need to be quick because material is coming out faster than we can absorb it.

We started this handbook with an introduction which began with a definition of the word, "introduction." We will end this handbook with a conclusion, which will begin with a definition of the word, "conclusion." Merriam-Webster's "simple definition of conclusion" is:

A final decision or judgment: an opinion or decision that is formed after a period of thought or research; the last part of something; the act of concluding or finishing something or the state of being finished.

(Merriam-Webster, n.d.)

Editing a work like this is quite an adventure. We can attest from personal experience that it is harder than simply writing a book. It was our job to smooth the hard edges, verify the assertions, re-format chapters into a uniform style, and try to balance conflicting points of view so that they come together in some sort of rational

whole. This conclusion chapter gives us a chance to get a little personal. Our main goal is to recount what we have learned from reading this handbook and share with you *our* opinions regarding the contributors' opinions. Having read the book and edited the book, we figure that it's time to share our conclusions. We invite you to consider what we say and then decide whether or not you agree.

Justification for School Choice Comes in Several Different Ways

Regardless of the mechanism which choice adopts (charters, vouchers, or home schooling, etc.), the reasons given by proponents fall into several distinct categories. We believe that it is important to recognize that these are *different* reasons and we should not infer that their advocates are allies in anything except their final conclusion about school choice.

One line of reasoning is what we will call the *economic* argument: that traditional schools are inefficient, over-expensive, and that they fail in their basic responsibility to turn out educated citizens. Choice advocates assert that there are better, more efficient, less expensive, and more effective ways of teaching children. Schools of choice, they argue, will do a better job for less money. Like a rope, an argument has two ends (otherwise it is an assertion; not an argument). Proponents argue as we just described, whereas opponents use the *same* argument, but in reverse. They assert that choice schools are *more* expensive, *less* efficient, and produce *poorer* achievement results.

A second argument is what we will call the *social justice* argument. Proponents argue that the current configuration of public schools contributes to continued income disparity and exacerbates long-standing patterns of social injustice. In this argument, school choice would offer disadvantaged populations access to the same kind of opportunity enjoyed by more privileged members of society. Complicating things, some communities use school choice as an opportunity to establish ethnically distinct schools that seem to revel in being

“separate but equal.” See, for instance, our last book, *Proud to Be Different: Ethnocentric Niche Charter Schools in America* (Fox & Buchanan, 2014).

A third argument can be called the *market* argument: that school choice opens up education to the subject of one of America’s treasured paeans: private enterprise. Choice schools have generated numerous industries. This argument lauds competition as the basis both of improved efficiency and of improved social justice. While closely related to the two arguments that we’ve just mentioned, this market argument is based upon the belief that enterprise, which is insulated from failure is, as a result of human nature, destined to be inefficient and ineffective.

A fourth argument is the *philosophical* argument, which speaks to the inherent good that comes from giving people as much freedom of choice as possible. Even the freedom to choose schools that are less good for our children is good, so the argument goes, because it is freedom. While the most often heard counter to the philosophical argument comes from choice opponents who say “yes, but” this freedom comes at the cost of less efficiency and less social justice, another counter argument of which we hear more and more is that parental freedom of choice sometimes comes at the cost of *student* freedom of choice.

The point, here, is that there are a lot of reasons to be *for* school choice and an equal number of reasons to be *against* it. What there is *not* is a unified school choice movement. It should be clear from the chapters in this handbook that objective data are insufficient to lead us to an unambiguous conclusion about the value of any of the forms of school choice. In a country that cannot even come to a conclusion based on the scientific evidence revealing global warming and climate change, we must admit that the data are far too meager and far too ambiguous to settle the school choice issues. So, consider the arguments you’ve read in this handbook and, as they say, “pick your poison.”

“Academic” Doesn’t Mean “Dispassionate”

With almost 40 chapters and 65 contributors, this handbook has exposed us to as wide a variety of writing styles as it has to its wide variety of subjects. Some of the contributors represent advocacy groups and, therefore, could have been expected to be passionate in support of their theses. Others are university academics who might be expected to be (but, as this handbook shows, aren't always) much more neutral in their approach. And, of course, those contributors who work for "think tanks" might have been expected to be sympathetic to the missions for which their organizations were founded.

We were struck, as we read through the chapters, by way in which the authors managed to convey very strong opinions, while never abandoning the dignity of their presentations. Virtually every chapter (even the "argument for" and "argument against" chapters) has been characterized by an effort to support any significant statement or conclusion with reference to previously published research or widely publicized statistics. But we quickly began to notice that this is a style of writing; not an absence of intellectual position. With very few exceptions, it was possible to discern from each chapter either the authors' strong predisposition for, or against, the subject about which they were writing. We came to the recognition that academics don't lack opinions; they just try to present those opinions as coming from the foundation of objective inquiry. It might have been difficult, sometimes, to distinguish those cases where the evidence strongly implied the conclusion from those cases where the conclusion came first and the evidence was then selected. As we say, this is really not a surprise in the "case *for*" and "case *against*" chapters, but the recognition has value for us in teaching us how to read both what authors *say* about school choice and what they *don't* explicitly say. This understanding makes us better students of school choice and contributes to a more hearty study of policy.

This phenomenon was equally evident in the supposedly values-neutral "issue" chapters of the final section of the handbook. We could have included any topics in this section, but we deliberately chose ones that would generate thought. *Clearly*, the authors of the chapter on education unions have strong feelings about the role teachers' unions have played in America; particularly those organizations'

opposed to school choice. *Clearly*, the authors of the chapter on parental choice have strong feelings about the failure of American education to bring equity to all of the country's people and would like to see more done in that direction. *Clearly*, the authors of the chapter on special education (who, one notes, are officers in the National Association of State Directors of Special Education and the National Center for Special Education in Charter Schools) are advocates of insisting that any school choice be available to children regardless of their special needs.

So, we conclude that the outcome of all this rhetoric and presentation of research is not that anyone has *proved* anything. Rather, they have made strong arguments backed by selected facts in support of their positions. Policy makers reading this handbook can come away with a very clear picture of the *questions* that need answering; but not a list of the answers, themselves. Similarly, parents contemplating alternate schooling for their families should be better equipped to gather further information about the alternatives which present themselves and, we hope, be even more skeptical of grand assertions. Students in education programs, both undergraduate and graduate, have a rich set of questions that may inform their future research.

There Is Something About Human Organization That Rises Over and Over Again

After reading the chapters on various school choice alternatives, one thing comes to mind that we believe deserves particular note. It starts with the observation that there appears to be something inherently human about a proclivity of human enterprise to want to *organize* things, to *regulate* things and to *grow bigger*. As we noted in the handbook's introduction, for the most part, education is a collective enterprise that brings along with it a tendency to limit the options of its individual participants. In many respects, school choice options such as charter schools, home schools and even private schools were conceived as smaller, more personal, and targeted enterprises to counteract these apparent failings.

But look at what seems to be happening. Originally, charter schools were founded by small groups of people hoping to put their personal stamp on a school. In some of our work, we called them “ma and pa charters.” Today, we find many of these replaced by EMOs and CMOs that seek to “scale up” charter schools. Is this all that different from the fact that the size of school districts has grown while the number has fallen from 116, 312 in 1869 to slightly more than 13,000 in 2012 (NCES, table 2015)? Private EMOs, like KIPP, which—according to its own website, “runs 183 schools in 20 states and the District of Columbia serving nearly 70,000 students” (KIPP, 2015) exhibit the same pattern. K-12 is a company that sells a wide variety of online schooling and curriculum with revenues of more than 200 million dollars in the first quarter of 2015 (K-12, n.d.). Or Mosaica Education, “manages over 90 preschool, elementary, junior high and high school programs across the United States, United Kingdom, India and Mexico, serving more than 18,000 students” (Mosaica Education, n.d.). These companies either start more and more alternative schools, themselves, or assume management of more and more existing schools. In terms of students served, these numbers would make KIPP the 52nd-largest school district in America (out of almost 14,000 districts). It is hard to see how organizations of this size can fulfill the promise of community-based or teacher-based alternatives to large school districts. And this growth is taking place with the active encouragement of the federal government, which has adopted a “scale-up” mentality. In this regard, at least, we are seeing the re-bureaucratizing of American education, not its release from bondage.

Added to this growth of large quasi-public, quasi-private educational enterprises is the proliferation of advocacy organizations that employ both lobbying funds and public political pressure to accomplish their ends. Consider the briefest list of such organizations, taken—actually—from the affiliations of some of the authors of chapters in this handbook:

- The California Association of Private School Organizations
- The Council for American Private Education
- Magnet Schools of America
- National Alliance for Public Charter Schools

- American Federation of Teachers
- Home School Legal Defense Association
- Michigan Virtual Learning Research Institute
- CARDUS
- National Association of State Directors of Special Education
- National Center for Special Education in Charter Schools

Let's be clear. We are not saying that there is anything particularly wrong about these companies and these organizations. Our point is that they have *come into existence* and that *they are proliferating*. It strikes us that we cannot seem to get away from thinking that bigger is better and that groups of people meeting uniform standards and following uniform rules are the way to go. Think about it.

Why We Use *Children* as Tools For Social Reform

America, as we move toward the third decade of the twenty-first century, has been engaged in a reconfiguration of its social structure for more than 70 years. While this struggle is along many dimensions (gender equality, widening income gaps, ageism, and religious tensions), the relationship between schools and racial equality has a particular resonance when considering school choice. Magnet schools, for instance, were specifically conceived to address racial/ethnic imbalance in American education. Many states, in their charter school enabling legislation, have modified what we have assumed to be completely open admission rules for charter schools to permit departure from random selection in the interests of greater uniformity in school racial/ethnic balance. Educational journal subscribers will note that educational research these days more often studies racial/ethnic matters than it does pedagogy.

Ever since *Brown v. Board of Education* (1954), in which the U.S. Supreme Court ruled that "separate but equal" was an unacceptable standard to apply to public education, efforts to use the public schools to contribute toward national goals to achieve racial/ethnic equality have been widespread. In *Swann v. Charlotte-Mecklenburg Board of Education* (1971), the use of forced busing to promote integration was affirmed by the U.S. Supreme Court. Transporting children for the

purpose of achieving racial balance became a tool in many court-ordered desegregation plans. We believe that it is reasonable in this concluding chapter to notice that there was no court-ordered busing of factory workers from one plant to another, no court-ordered busing of patients contemplating non-emergent procedures from one hospital to another, no court-ordered busing of police officers or firemen from one station house to another. American used its *children* in an effort to accomplish what it believed to be a social good.

The advent of charter schools has resulted in the unanticipated development of ethnocentric niche charters (Buchanan & Fox, 2004; Eckes, Fox, & Buchanan, 2011; Fox, Buchanan, Eckes, & Basford, 2012; Fox & Buchanan, 2014). Fox & Buchanan (2014) describe these schools as deliberately established to emphasize cultures that are in the minority in America (or, indeed, are immersion schools teaching almost exclusively in languages other than English). We divided such self-segregated academies into *student*-centered; motivated by a desire to improve the education of underserved minorities, or *culture*-centered; motivated by a desire to preserve a single culture or ethnicity. The distinction between these schools and the “white flight” academies of the 1960s can be awfully subtle. There is considerable disagreement about whether these schools represent a *re*-segregation of public schools and, if they do, to what extent they are acceptable. Can you separate *one* group from *another* group without affecting them both? Would our answer be the same if we substituted “segregate” for “separate” in the previous sentence? For the moment, the existence of such schools has not generated significant litigation. But the various forms of school choice discussed in the handbook are subject to intense study regarding their potential effect on racial diversity.

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