

Multiple Choice:

Increasing Pluralism in the American Education System

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social capital project

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jec.senate.gov | G-01 Dirksen Senate Office Building Washington, DC 20510 | (202) 224-5171

As the 20th century closed, it had become increasingly clear that our educational status quo was failing too many children. The traditional neighborhood school district model and a meritocratic view of education were replicating, not overcoming, disadvantage. Support for vouchers, charters, and other mechanisms for expanding “school choice” was justified on the grounds that increasing competition would improve educational opportunities for poor children trapped in failing schools.¹

Three decades after the debut of the nation’s first voucher system, education reform discussions have grown repetitive. Instead of continuously retreating to dueling impact evaluations, policymakers interested in education should return to first principles.² Debates over choice in schooling should focus on what, fundamentally, the role of education ought to be and what underlying principles public policy ought to reflect.

The Social Capital Project has adopted improving the effectiveness of youth investment, and particularly strengthening parents’ ability to invest in their children, as one of its core goals.³ “Investment” should not be construed narrowly, concerned only with improving test scores and educational attainment. It should also encompass parents’ ability to bring their children up in the values and traditions they hold dear, and to surround those children with an environment that supports their formation as burgeoning young adults.

Investing in children relies on social capital — the value embedded in relationships, interpersonal networks, and connection to institutions. Children spend more formative hours in schools than in any other institution save the family. Ideally, schools formalize community relationships, embody the values and traditions of the community, and teach children not just factual knowledge, but also the expectations of life in a liberal democracy.

However, the American education system makes it difficult for parents—unless they have sufficiently high incomes—to individually tailor their children’s educational experience. Most families are defaulted into a one-size-fits-all model, designed in the age of assembly lines, and no longer fit for era of technological disruption.

To expand the ability of all parents, regardless of income, to better invest in their child’s educational experience and development, we must increase the role of civil society in education, ensure a diversity of educational paths, providers, and philosophies, and hold providers to clear standards.

This approach, defined by Johns Hopkins University scholar Ashley Rogers Berner as “educational pluralism,” is common in education systems across the globe.⁴ As Berner points out in her definitive exploration of the topic, *Pluralism and American Education: No One Way to School*, educational pluralism recognizes the value of having distinctive school cultures and couples choice with accountability.⁵

American families would benefit from an education system that cherishes cultural distinctiveness, and embeds students in a broader context of intergenerational support. This paper will explore the case for an explicitly pluralistic conception of education, and highlight policy options that could increase the degree of pluralism within our educational system.

A BRIEF HISTORY OF EDUCATION IN AMERICA

From its beginnings, American education was situated within a context of moral formation. In the colonial era, schooling was handled by groups of families banding together to hire a schoolteacher, usually from a specific religious tradition, to offer instruction in reading, writing, and morals.⁶ The first legislative step towards public education came when the Massachusetts Bay Colony passed the General School Act of 1647, better known as the Old Deluder Satan Act. It required cities of fifty families or more to hire a schoolteacher so that “ye ould [sic] deluder, Satan” might not take advantage of illiteracy to “keepe [sic] men from the knowledge of ye Scriptures.”⁷

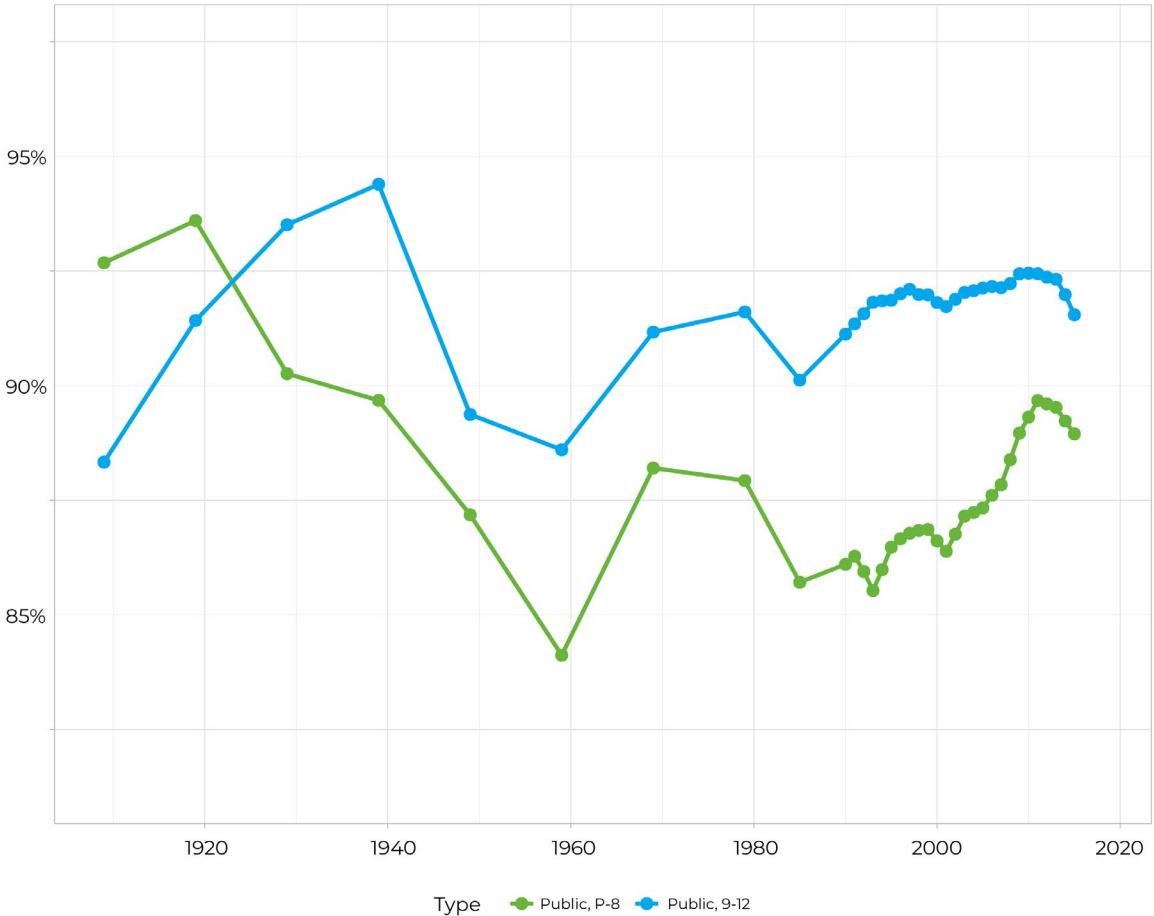
In the 19th century, perhaps due to increasing immigration from southern Europe and Ireland, American intellectuals pushed for the development of “common schools.” They sought to strip schooling of all “sectarian” content and instead provide a “universalist” (non-sectarian Protestant) style of education to all students.⁸ The inventor Samuel Morse complained that “Popery [Roman Catholicism] is the natural enemy of *general* education,” arguing that sectarian schools were “*prisons* of the youthful intellect of the country.”⁹ In 1875, President Grant called on his countrymen to

“resolve that not one dollar of money...shall be appropriated to the support of any sectarian school. Resolve that neither the state nor nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, Pagan, or Atheistical tenets.”¹⁰

This approach was nearly enshrined in our Constitution. A proposed amendment, referred to by the name of its sponsor, Congressman James G. Blaine, would have barred any “money raised by taxation” from going to any religious or sectarian schools, and precluded any “peculiar doctrines, tenets, belief, ceremonials, or observances [being] taught or inculcated in the free public schools.”¹¹ The federal Blaine Amendment passed the House in 1875, but failed by four votes in the Senate.¹² But the spirit of the amendment was taken up by states and made a condition of admission to the union for western territories. By 1913, 33 states had constitutional provisions barring state funds going toward sectarian education; notably, non-sectarian (meaning, Christian universalist) prayer and reading of the Bible in public schools was generally exempted under this regime.¹³

Over the past century and a half, delivery of educational services has been predominately state-funded and state-operated. State provision of education has proved remarkably stable. In 1909, 92.1 percent of students in prekindergarten through eighth grade attended public schools. A century later, fully 89 percent of students in prekindergarten through eighth grade, and 91 percent of high school students, attended public schools.¹⁴ Religious and cultural factors made Catholic schools the largest meaningful exception to the public education system.¹⁵ In 1960, at their twentieth-century peak, Catholic schools were educating roughly one out of every eight school-age children.¹⁶

Figure 1: Fraction of Enrolled School-age Children in Public School, by Grades P-8 and 9-12, 1909-2015



Source: Digest of Education Statistics, Table 105.30

Public education became more centralized and more professionalized — the number of school districts fell from over 100,000 in 1940 to fewer than 14,000 today.¹⁷ It also ceded its aspirations towards moral formation. A 1951 publication of the National Education Association encouraged schools to teach “consensus” common values and set aside particular moral and religious teachings.¹⁸ Supreme Court cases stripped away explicitly religious elements in public education.¹⁹ Education, intended to resist the depravities of the “Old Deluder” or to induct youth into the creed of democracy, came to be re-conceptualized as a method of training productive workers, building human capital, and encouraging industriousness. As far back as the 1920s, a school board president in Muncie, Indiana, lamented that “For a long time, all boys were trained to be President...Now we are training boys to get jobs.”²⁰

In 1983, a landmark study from President Ronald Reagan’s National Commission on Excellence in Education found that America’s schools were leaving “a nation at risk,” with too many children left unprepared for the rigors of a competitive global economy.²¹ The report helped provide an impetus for reformers interested in introducing meaningful change to American education through greater choice in schooling.

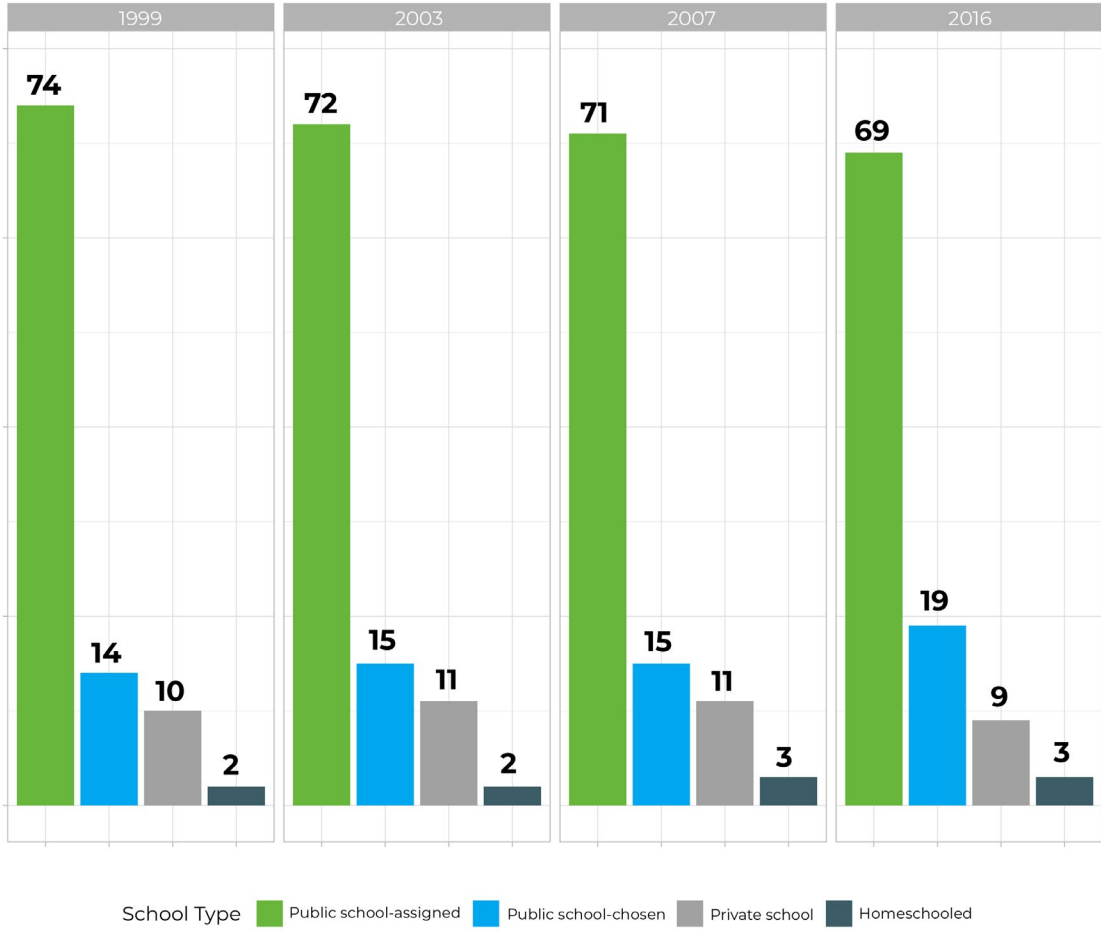
Nobel laureate Milton Friedman had laid out a theoretical case for greater latitude in school choice, arguing that in education, “as in other fields, competitive enterprise is likely to be far more efficient in meeting consumer demand.”²² This theoretical approach influenced a generation of reformers, who promised to unleash the creative destruction of market forces on a public sector accused, fairly or not, of underperforming. In 1989, Milwaukee introduced the nation’s first voucher program, paying private school tuition for low-income students; two years later, Minnesota became the first state to pass a charter school law, authorizing non-traditional schools to provide education with state funding.

The No Child Left Behind era ushered in an intense (some would say myopic) focus on test scores and accountability, with the unintended consequence of marginalizing education’s role of forming children into adults able to participate in a democratic society.²³ Questions about civic education and character formation required the difficult work of reaching societal consensus; an easier task was to focus on the meritocratic side of schooling, stressing economically-remunerative technical skills. Yet gaps by socioeconomic status did not close — Stanford University sociologist Sean Reardon estimated that “The achievement gap between children from high- and low-income families is roughly 30 to 40 percent larger among children born in 2001 than among those born twenty-five years earlier,” while a more recent examination of the evidence posited gaps in achievement that “are very large [but] have remained essentially unchanged.”²⁴

A focus on choice dominated the education policy landscape for most of the 1990s and early 2000s, with an equilibrium that favored limited choice within the

public school system, through open enrollment and charter schools. The fraction of public school students attending chosen public schools, rather than assigned, grew by roughly a third from 1999 to 2016 (Figure 2).²⁵

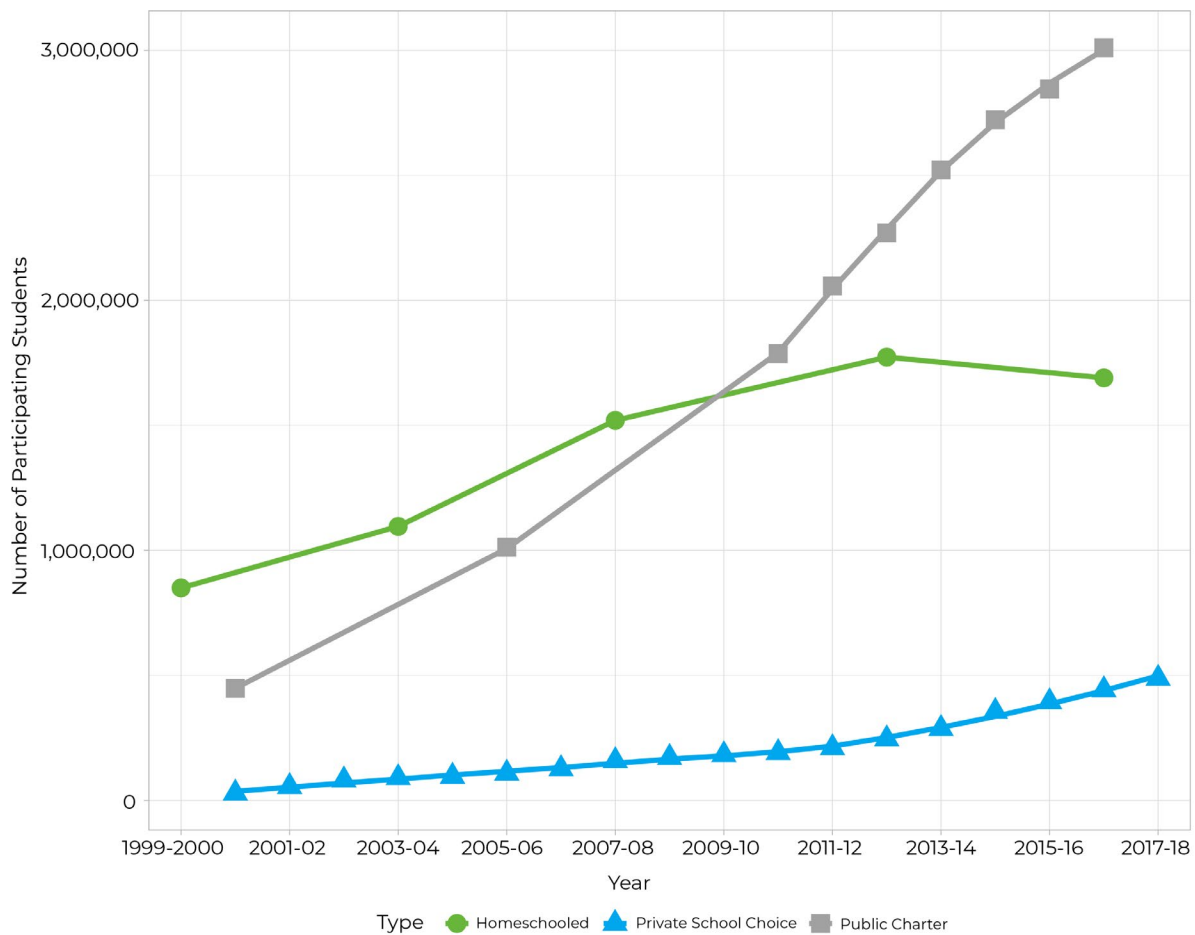
Figure 2: Percentage of Students Attending by School Type, Selected Years from 1999 to 2016



Source: School Choice in the United States: 2019 (NCES)

From 2000 to 2018, the number of students participating in a private school choice program increased 16 times over, while participation in public charter programs increased nearly seven-fold.²⁶ Today, 56.5 million students attend a public or private elementary or secondary school in the United States, 89 percent of whom attend an assigned or chosen public school.²⁷ Fully 5.5 million students attend private school, three million attend public charter schools, and just under two million are homeschooled.²⁸ Half a million students now participate in a private school choice program.²⁸

Figure 3: Students Participating in Choice Programs or Homeschooling, 1999-2018.



Source: National Center for Education Statistics; American Federation for Children.

Confidence in public education has been declining. In 1975, 62 percent of parents expressed having a “great deal” or “quite a lot” of confidence in the public schools, with only 35 percent responding “very little” or “no” confidence. By 2019, the fraction expressing quite a lot or a great deal of confidence, 29 percent of respondents, was exactly equal to those with little or none.²⁹ At the same time, parents tend to be satisfied with the quality of their own child’s education, while being dissatisfied with the quality of K-12 education in the U.S. at large.³⁰

Parents who send their child to private school tend, unsurprisingly, to be part of more-advantaged families. The proportion of private school students from two-parent households (81 percent) is far higher than those attending public school, and their parents disproportionately tend to have at least a bachelor’s degree. And, as a previous Social Capital Project report has shown, there is a strong relationship between house prices and school quality, particularly in localities with rigid school or residential zoning.³¹ In a recent survey, a majority of all household income groups, and all racial groups except for Asians, said that they would prefer to send their child to private, rather than public, school, if costs were the same. Parents that attend religious services more frequently were especially likely to express a preference for private over public school.³²

FOUR CONCEPTS FOR UNDERSTANDING PLURALISM

To many Americans, private education is a deviation from an unquestioned status quo. But compared to many other industrialized nations, the American system of predominantly state-provided education is an outlier. Berner writes:

The Netherlands, Sweden, Denmark, the UK, Hong Kong, Israel, most of Canada’s provinces, Australia, and France — to name a few — support a wide variety of schools that are pedagogically, philosophically, and religiously diverse.³³

As Berner details, parental choice among a diversity of publicly-funded school systems is a constitutional right in Belgium and the Netherlands.³⁴ In Sweden, a child’s per-capita share of funding can be used at a public or private school.³⁵ In Australia, even with its U.S.-style federalist model of education, the central government is now the primary funder of non-public schools, which offer a variety of educational philosophies.³⁶ Schooling in Hong Kong is funded by the government, but largely provided by non-profit organizations.³⁷ Many of these systems empower distinctive school cultures while also requiring rigorous assessment of academic knowledge across all schools, intentionally cultivating the conditions for a well-educated citizenry.

Even within the American public education system, some policymakers have recognized the limits of a one-size-fits-all approach. Miami-Dade County Public Schools, the fifth-biggest public school district in the country, has improved quality by incorporating models beyond the traditional neighborhood school.³⁸

The adoption of magnet schools, gifted programs, English as a Second Language classes, and other tailored approaches reflect a recognition that even within the contemporary public education system, students are better served by an individualized approach, surrounded by peers with similar goals and challenges.

John Dewey, one of the intellectual godfathers of the modern education movement, wrote that “what the best and wisest parent wants for his own child, that must the community want for all of its children.”³⁹ Dewey’s aphorism elides the fact that what is best for each child may differ from family to family and from child to child. What each community should want for all of its children is the education that is best for each individual child, respecting his or her particular strengths, needs, interests, and passions. A state-designed and -delivered educational experience can too frequently be divorced from family traditions, community bonds, and civic associations. (This monopolistic approach can, of course, also generate higher levels of community engagement in certain circumstances, as any given Friday night at a rural high school’s football stadium in autumn can demonstrate.)

A pluralist approach recognizes the importance of social capital in education, appreciates the value of authentic diversity, acknowledges the importance of meaningful civic engagement, and encourages excellence across school types and sectors. Four concepts are helpful in understanding the distinctive value of a pluralist approach to education:

- Embedding schools in a broader community of intergenerational relationships;
- Pursuing a more honest diversity;
- Ensuring a baseline commonality of values, and;
- Recognizing the importance of accountability.

EMBEDDED SCHOOLS: THE RELATIONSHIP BETWEEN EDUCATION AND SOCIAL CAPITAL

Acknowledging the importance of civic norms and virtues means reframing education as both an input to, as well as a product of, a flourishing civil society. As we have seen, countries around the world recognize the importance of engaging religious and civic groups in building a supportive superstructure around education. In examining American education in a comparative context, Notre Dame Law School professor Richard Garnett notes,

[O]ne sees a striking willingness to employ state power and processes in the production of civic virtues through education, rather than rely on the norm-generating capacities of families, associations, and civil society.⁴⁰

Emphasizing social capital helps distinguish the pluralist perspective from the libertarian-infused “choice” rhetoric that often influences education reform

debates in the United States. Education offers tremendous private returns to investment, but it is not a *strictly* private good, like a sandwich or a car. Educated, engaged graduates go on to participate in our democracy, form stable families, lead neighborhood groups, and participate in activities that provide immeasurable social benefits. In economic terms, the externalities of having active, engaged citizens provide a social return that may exceed each individual's private return to their increased human capital. This positive externality may indeed be worthy of public subsidy.

In a 1982 study, the preeminent sociologist James Coleman and his coauthors discovered the “paradoxical” finding that “Catholic schools function[ed] much closer to the American ideal of the ‘common school,’ educating children from different backgrounds alike, than [did] the public schools.”⁴¹ In a follow-up study six years later, Coleman attributed the success of Catholic schools to their existence as “functional communities with intergenerational closure.”⁴² Functional communities are ones that are necessary, that draw on the social capital among the adults in the surrounding community to “make possible the achievement of certain ends that [without them] would not be possible.”⁴³

In these communities, interactions among parents created norms and a structure to monitor behavior, set expectations, and built relationships across age groups and social classes. Coleman found that

Parents knew who their children’s friends were and knew their parents. The norms that pervaded the school were in part those dictated by the needs of youth themselves...but in part those established by the adult community and enforced by the intergenerational contact that this closure brought about.⁴⁴

Coleman found that embedding youth in a context of behavioral norms and expectations led to lower dropout rates, and his work has been extended throughout the years by studies finding beneficial effects of Catholic schools on educational attainment, particularly for minority students.⁴⁵

In some respects, new incarnations of the community-based school model, like the Harlem Children’s Zone, are attempts to re-create this sense of “embeddedness” around children, particularly those at risk. Engaging the whole community increases the network of adult role models and mentors available to a child. Research from Harvard University’s Opportunity Insights has found that neighborhoods with stable families and engaged communities tend to have greater economic mobility.⁴⁶

A whole-community approach to expanding educational opportunity would directly leverage the resources of adults and elders, affording at-risk youth exposure to a wider array of potential role models and mentors. Such an approach could help to combat what Coleman identified as the “absence of

intergenerational closure that prevents the human capital that exists among the adults from playing any role in the lives of the youth.”⁴⁷

Bryk, Lee and Holland’s landmark 1993 book, *Catholic Schools and the Common Good*, stressed the importance of trust for the effectiveness of Catholic schools, particularly in urban settings. They underlined the importance of community and a decentralized governance structure in encouraging localized decision-making.⁴⁸ They argued that parents, as the primary educators of their children, depended on teachers’ explicit

moral obligation to do what was best to advance the education and welfare of each child. A structure of moral commitments and mutual obligations had a profound impact on teachers’ work efforts and satisfaction, and strengthened students’ engagement with the school.⁴⁹

Teachers saw themselves not just as instructors, but as role models. High levels of intra-community trust were also tied to less contentious decision-making processes and a more cohesive atmosphere around school operations. In effect, a space where normative questions could be raised allowed for greater community involvement around what those norms should be.

There may be broader spillovers from grounding schools in a broader community context as well. Notre Dame Law School’s Margaret Brining and Nicole Garnett found suggestive evidence from Chicago that the presence of Catholic schools across police beats may be associated with a decrease in the crime rate, and that Catholic school closures may have triggered local increases in serious crimes. In weighing the evidence, they wrote, “We suspect that there are feedback effects between the social capital generated within a Catholic school and the level of social capital in a community surrounding it.”⁵⁰

A RICHER DIVERSITY: MOVING BEYOND THE MYTH OF NEUTRALITY

In a society with different conceptions of the good and competing traditions and comprehensive worldviews, Berner argues, a pluralist approach to education is

more honest than the current model, because it acknowledges that education always rests upon particular views about what education is for, who the child is, what role the teacher and school play, and how the atmosphere of the school reflects those beliefs.⁵¹

The basic structure of American education has remained fundamentally unchanged from its mid-19th century roots, reflecting, in part, concerns over rapid demographic change. Charles Glenn, former director of urban education and equity efforts for the Massachusetts Department of Education, notes that “absent

a national church, a monarchy, [or] an external threat, there seemed little to hold the new nation together... [the common school] would be above religious and political divisions.”⁵²

It is no slur against the common school reformers to say that our current regime of near-monopolistic state provision of education has not elevated debates over curriculum or school practices above religious and political divisions. These issues are understandably combustible, most famously in the 1962 *Engel v. Vitale* decision that struck down nondenominational prayer in school, as well as cases over flag salutes, religious “release time,” free speech, and other ways our schools inculcate habits of the heart or mind.⁵³

The hair-trigger combustibility of these issues illustrates the impossibility of a “value-neutral” approach to education. The aspirational rhetoric of Justice Brennan, asserting that “the public schools serve a uniquely public function: the training of American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort” may have described the America of 1963 (and even that is debatable).⁵⁴ It seems exceptionally misguided in describing classrooms in the United States in 2019.

The lack of an explicit moral framework in the classroom does not, of course, mean that there is no moral framework in the classroom. As Glenn forthrightly put it, “No aspect of schooling can be truly neutral.”⁵⁵ Even in an avowedly-neutral setting, a school’s ethos defaults to the comprehensive worldview favoring ends identified by administrators and codified in school mission statements and curricula.⁵⁶ Any method of understanding the world is influenced just as much by what is included on syllabi or lesson plans as what is left out.⁵⁷

Our contemporary focus on education as primarily being about skills formation is no less a comprehensive philosophy than the more morally-influenced one it replaced. Circumscribing questions of ethics, faith, and personal values from the neutrality imposed by a state-operated public space contributes to a compartmentalization of private life in which questions about theology, philosophy, or personal morality are ruled beyond the scope of appropriate public discussion.⁵⁸

Relying on bureaucrats and state standards to engender an academic environment that forms the full student is likely asking too much of a state apparatus. As James Hunter of the University of Virginia points out, public schools have “resolved” issues of disagreement around moral questions by largely avoiding the enduring questions of human existence (“why should we be good?”) unless they can be grounded in self-interest (“because it will lead you to be successful”).⁵⁹ Recent efforts to rechristen questions of character and morality as “socioemotional learning” (SEL) have likewise been called into question — “SEL stripped of its moral and religious roots is neither possible nor desirable,” writes the University of Arkansas’ Jay P. Greene.⁶⁰ A 2019 poll found that 68 percent of

parents indicated that classes in Bible studies should be offered or required in public schools, and 76 percent said public schools should offer or require classes in comparative religion.⁶¹

A pluralistic approach to education does not and should not mean exclusively focusing on religious schools. Howard Fuller, as superintendent of Milwaukee Public Schools from 1991-1995, was a leading advocate for school vouchers in the belief that parental choice in education would allow for the flourishing of a path of self-determination for the black community.⁶² Instead of needing to effectively ask for special permission to exist, as under the current framework, schools representing minority traditions would be welcomed as equally-valid options in a pluralist approach.

The rise of no-excuses charter schools, schools with curricula grounded in specific cultural identities, “classical” academies that stress ancient languages and learning, and other identity-focused schools demonstrate the search for authentic diversity along many dimensions. These experiments should be encouraged, paired with a baseline expectation of civic inculcation and assessments of content-specific knowledge.

Coleman pointed out that, in a time of greater ethnic and religious homogeneity, it would be expected that the culture of the local school would be permeated by the values held by a largely white and Protestant majority. In many respects, this was an active policy choice, as in the decision to permit non-sectarian (that is, non-denominational Protestant) prayers and Bible readings in public schools. For minority groups during this period, however, Coleman noted that “the larger society was not an extension of the family for them, either religiously or culturally.”⁶³ In an increasingly heterogeneous America, recognizing the costs imposed by a false uniformity should encourage steps to increase the ability of ethnic, cultural, and religious minorities to participate in an educational experience that respects, not obviates, meaningful differences.

A COMMUNITY OF COMMUNITIES: ADDRESSING FEARS OF BALKANIZATION

Precisely because of America’s racial, ethnic, and religious diversity, critics fear embracing pluralism will lead to self-segregating groups that isolate themselves into balkanized communities or exclude members of minority communities. Rutgers University’s Benjamin Justice and the University of Victoria’s Colin MacLeod have argued that American exceptionalism points us in the direction of an educational system that is more self-consciously state-operated than other Western nations:

A distinctly American combination of social and political factors has led to the system we currently have. Not only has there always been significant religious diversity in the United States; there has also been a strong constitutional tradition of protecting rights to religious liberty and sharply limiting state promotion of particular religious creeds.⁶⁴

In her seminal book *Democratic Education*, Amy Gutmann, now president of the University of Pennsylvania, argues education should operate within the electoral process, such as through traditional school board elections. Otherwise, she worries, it could be prohibitively difficult to ensure they are promoting the values the general public intends them to promote, rather than “sectarian” beliefs. “Just as we need a more democratic politics to further democratic education, so we need a more democratic education to further democratic politics,” she writes, arguing that “in recognizing that children are future citizens, the democratic state resists the view...that children are creatures of their parents.”⁶⁵

Likewise, in his 2002 *Zelman* dissent, Justice John Paul Stevens worried that “[w]hen we remove a brick from the wall that was designed to separate religion and government, we increase the risk of religious strife and weaken the foundation of our democracy.”⁶⁶ More dramatically, opponents of greater diversity in publicly-funded schooling have warned of government-funded extremism, with television advertisements against state ballot initiatives raising the specter of classrooms taught by skinheads, cultists, and members of the Ku Klux Klan.⁶⁷

One objection would be that it is by no means clear the current status quo has successfully avoided balkanization and segregation. Researchers disagree over whether racial segregation in traditional public schools is increasing or stagnant, but our relatively high levels reflect an underlying intense residential segregation along race and class lines.⁶⁸ A recent Urban Institute study found charter schools may have led to a slight increase in racial segregation in certain schools, but also led to decreased segregation between districts in the same metropolitan area.⁶⁹ And claims that private and religious schools lead to higher levels of intolerance are not supported by evidence; if anything, a major study found “students in private secular and Catholic schools appear to have higher levels of tolerance than students in public schools.”⁷⁰

Constitutional minefields await as well. The bonds of civil society are, to some degree, pre-political, and education in the context of civic association or religion should be recognized as enjoying appropriate protections against undue state coercion.⁷¹ The Supreme Court precedent of *Meyer v. Nebraska*, which struck down a Nebraska law mandating all education be conducted in English, offers some precedent for the idea that civic unity may be a legitimate, but not overriding, interest in regulating the character and curriculum of a school.⁷²

Schools, of course, would not be able to violate pupils’ constitutional rights by discriminating against protected categories. For example, no private school is allowed to discriminate on the basis of race. Religious schools are currently

exempted from Title IX sex discrimination regulations only “to the extent that... [they] would be inconsistent with the religious tenets of the organization.”⁷³ But compelling (or restricting) certain speech in the classroom as a condition of participating in a school funding program would seem to be unconstitutional.⁷⁴

Some baseline foundation of shared civic virtues is essential. “A democratic political community can no more perpetuate itself without attending carefully to the dispositions of its citizens than a religious community that does not evangelize each new generation can hope to thrive and survive,” Garnett writes.⁷⁵ But, he continues, “The question remains: does the perceived fragility of democratic values require, or even justify, restrictions on school choice or intrusive regulation of private and religious schools?”⁷⁶ More pointedly, Glenn asks, “Is our national unity really so fragile that it depends upon the indoctrination of the young?”⁷⁷

Relying on professional bureaucrats to manage the transmission of American values suggests a lack of faith in the promise of American pluralism and a robust civil society. The vision of American associational life, of a nation comprised of strong communities, will always engender tension between local identities and national values. Pluralism requires a deeper form of tolerance than the false promise of state-imposed conformity, but also suggests a longer-lasting vision that stresses both the *pluribus* and the *unum* of our unofficial national motto.

PURSuing EDUCATIONAL EXCELLENCE: MARRYING CHOICE WITH ACCOUNTABILITY

The understanding that education should involve whole communities suggests the related insight that education involves more than just a purely private decision. As such, using taxpayer dollars to fund poor-quality education is not only a disservice to the children receiving it, but makes our society worse off by leaving those students unprepared to fully participate in civil society upon reaching adulthood.

When public dollars are involved, there is an inarguable state interest in ensuring education funds do not reward bad actors. The natural experiment in greater school choice following Hurricane Katrina succeeded, in large part, due to the city of New Orleans’ willingness to shut down poor-performing charter schools — not based on educational ideology or philosophy, but on their inability to provide basic instruction to their students.⁷⁸ Ohio’s charter reforms, including tougher accountability policies, seem to have reduced the number of underperforming schools in the state.⁷⁹

Michael Petrilli, president of the Fordham Institute, an education policy think tank, acknowledges the fine line that authorizers and regulators must walk, but argues that “allowing schools to operate without regard to performance may harm students — and the charter sector as a whole.”⁸⁰ A major analysis of 41

regions with charter schools found that the systems with the strongest rules around authorization and accountability tended to have the strongest academic results, while states with laxer regimes have not seen charters outperform traditional public schools.⁸¹

A pluralist approach also sidesteps the morass of trying to compare voucher and charter programs to traditional public schools. As international examples indicate, comparing across sectors becomes largely irrelevant in a pluralistic model; what matters is ensuring all schools, regardless of whether operated by the state or by a civic or religious entity, are providing a decent education. Parents are then empowered to choose which school best fits their conception of what education is for.

One prominent school of thought holds that a functioning market for educational services will, over the long run, weed out underperforming schools and bad actors. A recent study argued “costly regulations tend to reduce the quantity and quality of private schools that elect to participate in school choice programs.”⁸² Yet when public dollars are involved, pluralism — recognizing that the choice is more than a private one — entails a necessary role for public accountability. If taxpayers are funding students’ access to many types of school, they have a stake in ensuring that the educational experience provided there helps children grow, socially, emotionally, and academically.

Advocates also worry, fairly, that promoting “accountability” could be a covert step towards undermining pluralism by placing educational philosophies and practices under the aegis of the state. “The power to regulate cannot be a backdoor strategy for obliterating all meaningful differences between public and private schools,” notes William Galston, senior fellow at the Brookings Institution and a former dean at the University of Maryland’s School of Public Policy.⁸³ The appropriate level of accountability will have to be found on a continuum between content-specific knowledge and regulating the means and method of instruction.

The charter system in Indiana, for example, demands accountability while permitting a selective admissions process, leading to higher school participation rates than in other states.⁸⁴ In many countries, accountability concerns are addressed by having students sit for comprehensive and content-specific exit exams at the end of high school. Berner suggests that in these countries:

The tight coupling of content-rich curriculum and exit exams narrows the achievement gap...It also incentivizes students, who must take primary responsibility for their learning and results. This scenario is vastly different from the accountability standards in the United States that reward or penalize teachers maximally, but students minimally.⁸⁵

Turning a blind eye towards predatory practices or poorly-operated charter schools is not the market at work, but negligence. Petrilli has criticized those he

calls “choice purists” for abstracting away from the real difficulties in designing a system that does not reward academic malpractice.⁸⁶ The goal, as Glenn puts it, should be a framework that allows for schools that have both the cohesiveness necessary to develop character and civic virtue, as well as the rudiments of instructional ability to be educationally effective.⁸⁷ Ensuring schools meet some kind of baseline performance, while allowing them to innovate on other dimensions of their instructional context and content, can achieve that goal.

POLICY APPROACHES

Pluralism is best described as a way of thinking about education, rather than a prescriptive policy agenda. But there are steps policymakers can take towards increasing the degree of civil society’s engagement in the education system. Education policy should strive for what Nicole Garnett calls a “sector agnostic” approach, where public policy offers equitable, portable funding formulae, with rules that support experimentation and appropriate accountability.⁸⁸ As Berner writes:

“Americans in the nineteenth and early twentieth centuries lost the experience of, and therefore the capacity to imagine, the benefits of diverse public education. This lack of imagination is still with us, and we have too readily believed that our schools are somehow ideologically neutral and democratically beneficial.”⁸⁹

The example from other industrialized nations should inspire confidence that encouraging a diversity of educational perspective and philosophies is compatible with, and indeed, helpful for, a healthy and robust democratic society.

POLICY LEVERS TO INCREASE PLURALISTIC OPTIONS

In the United States, education has traditionally been understood as a matter of state, not federal, jurisdiction. (A 1973 Supreme Court case found that there is no federal right to an education.⁹⁰) Most policies to move toward more diversity in education will, therefore, involve state innovation.

Pluralism-inspired reforms at the state level should broaden the definition of public education to mean “publicly-funded,” not just “publicly-provided,” education. Because of the strictures of school choice jurisprudence, a more pluralist approach to education will likely involve allowing families more options in choosing their educational provider, rather than explicitly asking religious or civic groups to take on responsibility for public education. This could take the form of tax credits or vouchers for parents to use toward their child’s schooling. As will be covered later, a pending Supreme Court case, *Espinoza v. Montana Department of Revenue* (18-1195), may open a new realm for state experimentation with public funding of education going towards non-state actors.

Policymakers can increase the degree of community embeddedness surrounding children by streamlining the charter process for community groups, including through legislation that proactively affirms the role of religious institutions in the system. In the Netherlands, for example,

groups of parents who want their children to attend a school that has a distinctive educational philosophy have a constitutional right to have the government establish and fund such a school if one does not exist nearby or if the ones that do exist are full.⁹¹

Offering religious, cultural, or ethnic groups targeted assistance through the charter application or operation process, with sufficient safeguards to protect their authentic identity, could meaningfully increase the options available to parents and students.

A more individualist approach would have education funding follow the child — parents would receive the value of their children’s public education dollars to use at the school of their choice. In 2011, Arizona became the first state to introduce “empowerment scholarship accounts,” allowing certain categories of families to apply 90 percent of the funding they would have otherwise received to other qualified educational opportunities.⁹² Eligibility for the program was limited to specific categories, including children with special needs or those with an active-duty military parent.

Another policy proposal to increase families’ options would be broadening access to education savings accounts. Currently a benefit that accrues primarily to high-earning families, tax-advantaged 529 savings accounts were expanded in the 2017 Tax Cuts and Jobs Act to cover up to \$10,000 in qualified expenses for K-12 education, including private school tuition.⁹³ 529 savings plans could be seeded at the state or federal level (Following the model of the tax credit scholarship program operated in Pennsylvania, the amount should be preferably adjusted to account for income and family size.)⁹⁴

To maximize the options families would have in a system with more choice, states could explore property tax reform that breaks the link between residence and school quality. In Indiana, for example, property tax relief for homeowners was paired with fiscal equalization grants, which boosted state aid for poorer districts.⁹⁵ By supplanting school funding via local property taxes with state dollars, Indiana’s reforms leveled the playing field between districts, easing the process for families to transfer across district lines. Districts began to compete for student transfers, and the number of transfer students rose from below 3,000 before the reform to over 11,300 following it.⁹⁶ A system in which the quality of schools is less directly tied to local property taxes could be more accommodating to a pluralist approach, by lessening some of the pressure that couples neighborhood desirability and school quality. This could also have the effect of reducing levels of socioeconomic segregation.

While the federal scope for education policy is limited, Congress could explore steps to assist state efforts. Title I of the Elementary and Secondary Education Act, which currently provides financial assistance to local education agencies and schools serving high percentages of low-income students, could be reformed to increase the availability of those funds to schools outside the traditional district model.⁹⁷

Choice is not choice unless it is realizable, so transportation policy could promote more flexible transportation options available to families outside of the public school system. Denver Public Schools, for example, launched the Success Express shuttle bus service to increase access to both public and private schools. (Charter schools were assessed a per-pupil cost to help cover the expense of the additional service.)⁹⁸ Efforts to increase the availability of ride-sharing, carpooling, and point-to-point shuttles could increase families' options.⁹⁹

EMPOWERING TRULY LOCAL CONTROL

Even under a system that respects genuine pluralism, many parents will still prefer to enroll their children in traditional district schools. Even in the most pluralist examples abroad, for example, many students still attend public schools. For sparsely-populated rural school districts, expanding the availability of options facing parents may actually reduce their community's store of social capital, undermining the public school as locus of social life and source of identity. Can a pluralist approach — even in the absence of broader policy change — better engage civil society in traditional public schools as well?

Putting local control of schools into practice requires devolving more authority to the lowest appropriate level. The families of students who attend traditional public schools are too frequently treated as recipients of services, often ones dictated and mandated by federal or state bureaucrats, rather than fully-participating members of a community. Glenn, among others, laments that public schools “do not belong to the communities that they serve.”¹⁰⁰ Parents will be most invested — and their investment will often be most effective — in an institution that invites stakeholders into decision-making, makes them feel part of a broader community, gives them channels of input into the direction and ethos of the school, and empowers them to be part of building a collective project.

Breaking up bureaucratic calcification means proactively and intentionally soliciting parent input. State boards of education could consider introducing “sunset” provisions into certain regulations, forcing their applicability and necessity to be re-examined at regular intervals. Education officials could intentionally leave room for civil society groups to be involved in curriculum decisions. They could deliberately decide not to hand down a certain policy, instead placing the onus on parent-teacher associations or parent groups to enact their own school-specific guideline.

For example, a recently-passed Florida law requires each school district to adopt a policy regarding objections to textbooks or instructional materials that parents do not believe are grade level- or age-appropriate.¹⁰¹ Without mandating specific content guidelines or a rigid bureaucratic framework, the state legislature made it clear that school districts should engage with parents on appropriateness of curriculum, allowing latitude for local solutions to present themselves.

Other examples of localized policies that federal and state officials could charge local schools and parents to develop could include school start times, nutrition in lunches, discipline policies, and other practical matters of school culture. Charter school authorizers and state education regulatory bodies should also re-examine relevant regulations. A light-touch approach, focused on core competencies, allows for the greatest diversity of approaches that respect local practices and preferences while ensuring appropriate safeguards.

Throughout the education system, policymakers should focus on making it easier for schools to be truly locally controlled. The Social Capital Project has drawn on the seminal work of Alexis de Tocqueville's *Democracy in America* and his emphasis on associational life in ensuring the health of our democracy.¹⁰² Making public school more Tocquevillian means cultivating active, not passive, participation. Drawing on his experience in Massachusetts, Glenn comments that

[S]urely it is wise public policy to create conditions that would permit more parents to become involved in the schools their children attend, not as passive participants in periodic open houses, but as creators, sustainers, and participants in important decisions, just as many of them are in their churches.¹⁰³

When it comes to questions of character, democratic habits, or ethical decision-making, the best way to teach those concepts is to demonstrate them, not lecture on them. Communities that can speak openly about normative questions will have a greater ability to model them as well. Glenn notes, “the crucial policy issue in civic education is how parents and teachers can be motivated and empowered to behave in ways that serve as examples of civic virtue to the children and youth under their care.”¹⁰⁴ A school environment enmeshed in a broader community of shared values and commitment can catalyze those conversations and provide a template for the students of today to be the community leaders of tomorrow.

REVIVING CIVICS EDUCATION IN A DIVERSE NATION

Tying pluralism to content-based accountability may also help rescue the sorry state of civics education. There is seemingly nowhere to go but up; in 2010, only 23 percent of public school seniors scored “proficient” or above on the National Assessment of Educational Progress (NAEP) civics exam.¹⁰⁵

Large majorities of Americans express support for teaching honesty, civility, respect for authority, patriotism, and acceptance of differences — one poll found 97 percent of Americans say public schools should be teaching civics.¹⁰⁶ But in a nation with rich diversity, finding majority support for even the barest-bones definition of civic values may be challenging. “The level of support for teaching [civic] values exceeds the number who say it would be possible to get people in their community to agree on a basic set of values that should be taught,” a national poll found, noting that 61 percent of adults agree that this kind of agreement would be possible, down from 69 percent in 1993.¹⁰⁷

Gutmann typifies the reliance on professionalization of education, claiming that teachers’ unions and educational bureaucracies can “pressure democratic communities to create the conditions under which teachers can cultivate the capacity among students for critical reflection on democratic culture.”¹⁰⁸ But critically reflecting on a culture requires being formed in that culture to begin with. The state of American civic education raises the question of whether students truly understand the culture they are being taught to critique.

A pluralistic approach to civics education would allow localities to move beyond a lowest-common denominator approach to these questions. “Patriotism” will mean something very different in San Francisco than in San Diego, to say nothing of Salinas. Putting pluralism into practice is a more intellectually honest way to deal with differences of opinion on patriotism, activism, and other civic values. Civic engagement will likely mean one thing at an Afrocentric school and another at a Montessori school or classical Christian academy. But if nothing else, students should graduate with a basic understanding of the nuts and bolts of our democracy. In Alberta, for example, private schools that receive provincial funding are required to ensure students meet basic civic competencies, but are allowed to have different frameworks for talking about the context in which they operate.¹⁰⁹

A content-based framework of accountability, rather than a state-imposed orthodoxy, appreciates America’s tradition of associational life and robust civic engagement. Requiring that students are able to graduate with specific knowledge about the form and function of our democracy, while allowing schools to present that knowledge in a culturally-appropriate and philosophically-honest manner, would allow for creative local approaches while retaining a common body of knowledge.

SAFEGUARDING THE DISTINCT IDENTITIES OF RELIGIOUS SCHOOLS

The parent-child relationship — the foundational unit of society — has traditionally received tremendous deference in American jurisprudence. In striking down a voter-passed 1923 Oregon law that would have effectively outlawed private schools, the Court ruled that

The fundamental theory of liberty...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.¹¹⁰

As has been noted, parents with means enjoy tremendous latitude to construct an education that best fits the needs, interests, and appropriate developmental context for their children. Efforts to make the same range of options available to all families, however, have been rife with legal controversy. Currently, three-quarters of private school students attend a religious school, necessitating that any discussion of diversity in education address questions of church-state separation.¹¹¹ Could a state fund religious schools as part of a pluralist approach to education without running afoul of First Amendment concerns?

For decades, educational jurisprudence has been shaped by the 1947 case of *Everson v. Board of Education*. It found that a New Jersey program that reimbursed parents' use of public transportation to bring their children to a religious school did not violate the "wall of separation between church and state" (a phrase that does not appear in the Constitution).¹¹² But in so doing, the majority incorporated the Establishment Clause of the First Amendment — "Congress shall make no law respecting an establishment of religion" — into state constitutions, effectively prohibiting them from providing direct aid to religious schools. Payments offered to parents, instead of religious institutions, and to all students, regardless of religious tradition, have been deemed constitutional under the framework developed under *Everson* and subsequent cases.¹¹³

The most rigorous doctrine evaluating the permissibility of aid to schools was laid out in the 1971 case of *Lemon v. Kurtzman*, in which a three-prong test — the program must be secular in purpose, must have the effect of neither advancing nor inhibiting religion, and must not result in an "excessive government entanglement" with religion — was instituted to strike down a Pennsylvania law that reimbursed private schools for the cost of teachers' salaries.¹¹⁴ Since then, the Court has shown signs of being less bound by the so-called "Lemon test." In the 2002 *Zelman v. Simmons-Harris* decision, the Court held that school vouchers, even when used for religious schools, did not run afoul of the Establishment clause. Public support for sectarian schools that was *de facto*, as a result of parents' private choices in a religiously neutral program, not *de jure*, as a result of direct appropriations, was deemed constitutional.

However, in states with bans on funding for religious schools ("Blaine amendments"), programs that provide parents with the choice to use their vouchers at religious schools are often found unconstitutional. As of this writing, "thirty-seven state constitutions contain provisions that prohibit the public funding of private 'sectarian' schools."¹¹⁵ Depending on how case law has been interpreted, some states have been prohibited from creating voucher programs, while other states allow families to use aid at religious schools.¹¹⁶

Espinoza v. Montana Department of Revenue (18-1195), scheduled to be heard by the Supreme Court in January 2020, could have major ramifications for the permissibility of these structures. In 2018, the Montana Supreme Court ruled that the state's Blaine amendment would render a newly-passed tax credit scholarship program unconstitutional if it did not include language barring religious schools from participation.¹¹⁷ The Court's upcoming decision may provide greater clarity on the ground rules facing states wishing to explore alternatives to the state-monopoly model of education.

In other nations with pluralistic approaches to education, some non-public schools have lost their distinctiveness. In England, Berner notes, a large study of Anglican schools found they "were not particularly Anglican: very few principals could articulate what made their schools different." How did this happen? Berner suggests "It could have been a consequence of teacher preparation programs that de-emphasized philosophical differences. It could have been the pursuit of other goals, such as prestige, that urged leaders to chase trends that inadvertently subverted the school mission."¹¹⁸

While drift in mission and identity can happen organically, as a result of broader societal trends, policymakers should avoid state enticements or requirements to abandon long-held practices or beliefs as a condition of increasing public support of non-public institutions. "It is precisely the concern that school choice programs might require or induce religious schools to water down their religious character that leads many devout religious believers to oppose vouchers," Richard Garnett says. "Similarly, some have contended that vouchers should be supported precisely in order to enable increased secularizing regulation of religious schools." Citing *Meyer v. Nebraska*, Garnett believes that appropriate policy safeguards could be conceived. "Efforts to require private and religious schools to compromise their distinct ethos, or religious mission, as a condition of participating in an otherwise neutral school choice program would likely be unconstitutional."¹¹⁹

Indeed, some measures of pluralism may involve defensive legislation and protections. Religious schools, in particular, already face pressure to acclimate themselves to state-imposed guidelines on matters of morals and values. Already, the state of Maryland has attempted to force a Christian school out of a state-run voucher program, and make them reimburse prior tuition payments, for not abiding by sexual orientation non-discrimination language. The school has filed suit, arguing that it asks all students, not just a particular group, to refrain from sexual activity outside marriage.¹²⁰ Successful lawsuits were filed against Muslim- and Jewish-operated charter schools in Minnesota and Florida, respectively, alleging that their culturally-specific curricula contained religious overtones.¹²¹ A commitment to pluralism in education entails a robust commitment to defending schools against encroachments on their distinctive philosophies and identities.

Battles over religious accommodation on hot-button cultural issues will be unavoidable; but so will they be under the current status quo, in forms ranging

from Blaine Amendments to “Dear Colleague” letters. A more pluralistic philosophy in education policy will acknowledge the existence of difference, rather than trying to centralize resolutions in a top-down fashion.

HOMESCHOOLING

There is another choice outside the traditional education system of which parents can avail themselves. The legal landscape facing homeschooling has shifted dramatically. As late as the 1980s, Vanderbilt University scholar Joseph Murphy has written, “It was only clearly legal to homeschool in a few states.” By the mid-1990s, in a “nothing short of remarkable” shift, 27 states passed laws clarifying the legal status of or decriminalizing homeschooling, which now enjoys legal status in all 50 states.¹²²

Since 1999, the Department of Education recently estimated, the number of children homeschooled in the United States has doubled, rising from 1.7 percent to 3.3 percent of school-age children across the nation. These children predominantly live in middle-class families — 54 percent of homeschooling families have a household income between \$20,000 and \$75,000 — and often have one parent out of the labor force. (Among all households with one parent working and one parent at home, 7 percent homeschool.) The families’ reasons to homeschool vary widely — a plurality of parents, 34 percent, do so due to concerns about the school environment, such as the prevalence of drugs or the threat of negative peer pressure, while others are dissatisfied with academic instruction (17 percent) or have religious reasons for homeschooling (16 percent).¹²³

A pluralist approach to education policy could offer financial support for homeschooling parents, particularly since their property taxes are going to fund schools and districts their children do not utilize. Even in lieu of direct support, states could build on experimentation around homeschooling. In Utah, for example, private providers are enrolling homeschooled students as full-time virtual charter students with specific curricula, including field trips and entrepreneurship and tech coursework.¹²⁴ Some states affirmatively protect the right of homeschooled students to access district school classes or extra-curricular activities, while others have considered such a change.¹²⁵ The state of Washington has created programs within public school districts to specifically offer enrichment programs for homeschooled children.¹²⁶ Legislation that would expand eligible expenses under 529 savings accounts to books and materials purchased by homeschooling parents has been introduced in the Senate, co-sponsored by Joint Economic Committee Chairman Mike Lee.¹²⁷

CONCLUSION

Schools today are asked to do a lot of the heavy lifting that was once done by civil society and family. Teachers are asked to be instructors, advisors, life coaches, guidance counselors, discipline enforcers, moral leaders, and therapists. They are called on to redress imbalances in youth investment, close the achievement gap, and make sure every student succeeds and no child gets left behind. Rebalancing the amount of responsibility schools have, by leveraging the resources and support of broader communities, will make it easier for teachers to teach, for students to learn, and for communities to thrive.

Respect for the ambitious promise of the common school model should not prevent us from recognizing its flaws or the ability of civil society to extend opportunity and belonging. Public education aspired to be the common ground on which sectarianism could be put aside to focus on values we all share. This model is increasingly breaking down, evidenced by court cases, public opinion polling, and parents frustrated at their inability to influence the content or context of their child's educational experience.

Additionally, despite decades of rising investment in public education, it is unclear that the traditional neighborhood school has succeeded as a meritocratic vehicle for increasing opportunity. Public expenditures per pupil have more than doubled since the 1960s.¹²⁸ Yet a recent working paper found that the relationship between socioeconomic status (SES) and educational achievement is as strong today as it was fifty years ago. "The long-term failure of major educational policies to alter SES gaps suggests a need to reconsider standard approaches to mitigating disparities."¹²⁹ The track record of the status quo deserves merits not deference, but critical examination.

Public opinion on proposed voucher programs suggests that increasing the availability of non-public schools may be politically popular. Surveys by EducationNext suggest support for efforts to use public funds to pay for private school tuition may have ticked up in recent years. Fully 55 percent of American adults support vouchers available to all families, whereas only 37 percent oppose such programs. If vouchers were available only to low-income families, support drops to 49 percent of adults, with 41 percent opposing. Large majorities of racial minority groups support targeted as well as universal vouchers.¹³⁰

The rhetoric of "choice" has been injected into the bloodstream of education discussions, but individual choice is insufficient as a pathway forward. Instead, the next generation of education reform should focus on enlivening the role of authentic communities in schools, both to expand opportunity to low-income students and to invigorate the role of civil society in creating norms and a sense of belonging.

Recall Coleman’s focus on the importance of communities with an intentional purpose. “To describe functional communities with intergenerational closure as a resource for parents in raising their children is more than a figure of speech,” he wrote:

The extraordinary social mobility that children from lower-class backgrounds, both rural and urban, have had in previous generations in America was accomplished by families with meager tangible resources... Where did the resources come from to develop and nurture [them]? These children were surrounded by functional communities, either in rural areas or in ethnic neighborhoods of urban areas.¹³¹

Having conversations around values, building up norms and behaviors, tapping into moral wisdom and intergenerational relationships, and authentically appreciating the contributions of different cultures and approaches are more easily accomplished in an educational system that prioritizes pluralism.

Civil society, as philosopher Michael Walzer has written, is a “project of projects,” that needs to be granted “space [for] uncoerced human association and also [for] the set of relational networks — formed for the sake of family, faith, interest, and ideology — that fill this space.”¹³² Strengthening civil society sometimes means reducing state activity or thinking about it in a different way. A framework of genuine pluralism in education “reflects an understanding of civil society that views the state as the guarantor of a rich social ecology, not its chief actor,” writes Berner.¹³³

American public education is failing too many children, and schools alone cannot be expected to remedy differences stemming from family, neighborhood, and social environments. The ways in which we have prioritized state-delivered education should spur reflection on the ability of civil society to offer all children broader communities of support and opportunity. Fostering authentic pluralism within our educational system will increase the ability of parents to invest in their children as students, future citizens, and full members of a broader community.

Patrick Brown
Senior Policy Advisor

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