

The Private School Option in Systems of Educational Choice

The government can go a long way toward healing our society's social divisions by subsidizing private school options for poor children.

Photograph by Owen Hartford



School systems in Wisconsin, Minnesota, and Missouri, hoping to engage minority students in learning, are taking first steps toward extending private school options to low income families.

In 1978, after collaborating on school finance reform issues and on litigation attacking school district insensitivity to non-English-speaking children, we turned our attention to the case for family selection of schools.¹ Having concluded that internal reform of public schools alone would not suffice in the struggle for families to obtain the schooling their children needed and deserved, we argued that the government should extend subsidized educational options (including private school options) to children of working class and poor parents.

For the past dozen years we have labored, largely unsuccessfully, to turn our ideas into working programs. Throughout our legislative and citizen initiative efforts, we have sought to convince friends of public education that our proposed reforms would improve rather than undermine the public schools.

Now, suddenly, the battle for "choice" seems nearly won. There is a risk, however, that subsidized choice will be largely limited to the public sector. This, we think, would be highly regrettable and even self-defeating. This paper will highlight our reasoning and illustrate how our broad principles can be turned into a specific action plan. In closing, we will discuss some modest steps already being taken in this direction.

The Basic Reform: Empowering the Family

In America, families with means enjoy the freedom to choose among schools. Other families don't have the money to buy a home in a preferred public school district or pay for tuition in a private school. Choice for many is impossible; for others, it entails a crushing financial burden.

But the absence of choice is deeply injurious to education and to the family. Many governors and the President have wisely undertaken efforts to encourage choice among schools. For many reasons, it is crucial that any such reform also include the opportunity for parents to obtain government scholarships redeemable for educa-

tion in private schools. Among these reasons are the following:

1. Confining choice to the public sector shields government schools from the authentic competition upon which their own improvement depends.

2. Because they are properly limited by the First Amendment and other constraints, government schools teach a curriculum that is necessarily narrower and less diverse than what many families want for their children. Hence, many families are now prevented from finding the most effective school environments for their children.

3. By relying on neighborhood assignment policies, many school systems dishonor the curriculum preferences of low-income and minority families. This is a powerful source of class and racial resentment. Only by trusting the poor to choose, as fully as it trusts the rich, can our society begin to heal its deep social divisions.

4. In many urban areas, where public schools are largely segregated and white suburban schools won't admit minority children from the city, private schools are the only practical source of racially integrated education for minority children.

5. Private schools, especially inner-city Catholic schools, have demonstrated their ability to serve even the most disadvantaged children at a substantially lower cost than government-operated schools.

Basic Principles

The basic principles that should underlie a just plan for educational choice are fairly clear:

1. Any system of choice must aim to reduce the class and racial segregation characteristic of the present order.

2. In order to assure equality of access to all participating public and private schools, choice must tilt toward the poor.

3. School systems must guarantee transportation for reasonable distances to those who cannot afford to pay for it themselves.

4. The choice system must make special efforts to direct information to families unaccustomed to choosing schools for their children.

5. Government-operated schools must be able, if they wish, to free themselves from regulations not imposed on private schools.

6. The plan should not encumber private schools with new regulations governing hiring, curriculum, or choice of facilities.

7. The value of the scholarships should suffice to stimulate new providers.

An Example of Authentic Choice

There are several ways to implement the basic principles just set out. Here is what we envision:

Parents of every child who choose other than their assigned local public school would be eligible for a state scholarship worth, on average, 90 per-

By relying on neighborhood assignment policies, many school systems dishonor the curriculum preferences of low-income and minority families.

cent of the amount presently spent statewide in public schools, with adjustments made for children in various circumstances (such as grade level and handicap).

This scholarship would be funded by the state. In the initial years, at least, its amount might simply be subtracted from the state subvention to the child's district of residence, though various arrangements are possible.

Districts could continue to operate as they do presently, and to the extent they choose to do so, their funding and administrative arrangements would remain unchanged. Local school districts, however, would be empowered to create any number of individual public schools of choice. Each would be organized, in effect, as a separate nonprofit public corporation. Every such school would stand financially on its own bottom line; like participating private schools, these independent public schools and their faculties would survive or fail according to their capacity to attract customers and their scholarships. Those that failed would be subject to the bankruptcy process that regulates private businesses.

Private schools would continue to operate as they do today and without further regulation—except for the duty of each school to set aside 20–25 percent of new admissions for children of low-income families, if so many applied, and to accept the state scholarship as full payment of tuition. (An alternative is to allow schools to charge higher tuition scaled according to the family's capacity to pay.)

Public schools that choose to operate and be financed in the traditional manner would be open to nonresident families to the extent that space was available after local families had been served. Both public and private schools would provide families with information concerning such matters as curriculum, teacher quality, and test scores to an extent sufficient to allow intelligent choice. Public and private welfare agencies would help to assure the effective delivery of such information to disadvantaged clientele.

Districts could phase the system in, perhaps delaying the participation of private schools for two or three years

In Minnesota, certain categories of at-risk pupils are entitled to have their way paid to private schools with which their local school district has contracted.

in order to strengthen the public sector. Federal Chapter 1 funds would no longer go to institutions but rather directly to low-income parents. These funds would be available for the purchase of supplementary educational services such as tutoring in reading and music or for instruction in computers or foreign languages. Parents could obtain such services through their child's school or elsewhere, if they preferred.

Not the Problem, But the Solution

Wisconsin and Minnesota have already taken important first steps in the direction we propose. Under a newly enacted law sponsored by Polly Williams, a liberal black state legislator, and supported by Tommy Thompson, a white Republican governor, hundreds of low-income Milwaukee pupils are this year attending private nonsectarian schools of their choice—at state expense.¹ In nearby Minnesota, certain categories of at-risk pupils (such as those who are two grade levels behind in achievement, chemically dependent, dropouts, or pregnant) are entitled to have their way paid to private schools with which their local school district has contracted.² The Kansas City, Missouri, School District, which

has been struggling with racial segregation problems, has a student body that is about three-quarters black. Neighboring suburban districts have generally refused to accept black pupils under a court-ordered voluntary interdistrict transfer plan. Frustrated in the public sector, several black families from Kansas City have now sued to obtain integrated education in the private sector at state expense. Private schools in the area have agreed to make at least 4,000 places available to black children seeking to escape from the illegal segregation. Their only condition is that the guilty district and state meet the costs of these schools, which would average one-third the per-pupil cost of attendance at suburban schools under the voluntary transfer plan. This litigation is likely to take quite a while to resolve.⁴

Now is the time for friends of education to acknowledge that private schools are less the problem than the solution. A state subsidized system for allowing low-income families to choose private schooling could fulfill our democratic aspirations. All parents would, at last, be empowered to make the kinds of choices that have been the sole domain of wealthier families. Finally, the quality and efficiency of education could approach the levels achieved by other nations through parental choice. This would help America to become competitive once again in the world market □

¹See J.E. Coons and S. D. Sugarman, (1978), *Education By Choice: The Case For Family Control*, (Berkeley, Calif.: University of California Press).

²See Shapiro, (September 3, 1990), "Pick a School, Any School," *Time*, and Fund, (September 4, 1990), "Milwaukee's Schools Open—To Competition," *Wall Street Journal*.

³Minnesota Statutes, 1989 Supplement, Section 126.22, subdivision 3(d), and Section 126.23.

⁴*Rivarde v. State*, No. 89-0671 (W.D. Mo., November 28, 1989).

John E. Coons and **Stephen D. Sugarman** are Professors of Law, University of California, Boalt Hall (School of Law), Berkeley, CA 94720.

Copyright © 1990 by the Association for Supervision and Curriculum Development. All rights reserved.