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NEWS

School Choice: Today's Scope and Barriers to Growth

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Few people realize the movement's breadth and the forms in which school choice expansion is manifest. Out of slightly more than 57 million K–12 schoolchildren, almost 29.4 million—nearly 52%—are enrolled in a K–12 school choice option. This article provides an overview of the scope of school choice today and summarizes the political, policy, and procedural barriers that impeded expansion.

KEYWORDS school choice, charter schools, private schools, vouchers, public school choice, barriers to choice reforms

The long-standing education effort to provide families, especially low-income families, more choices among public charter, private, and traditional district schools has achieved a consequential result: unprecedented numbers of families exercising school choice for their children. Out of slightly more than 57 million K–12 schoolchildren, almost 29.4 million—nearly 52%—are enrolled in a K–12 school choice option (National Center for Education Statistics, 2010e). The choice options involve many school environments and educational settings: traditional district schools, including magnet and alternative schools; public charter schools; private independent and religious schools; online learning using both virtual schools and hybrid models blending classroom and online learning; and home schooling. Families choose schools by taking advantage of many different policy approaches, including

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TABLE 1 School Choice Enrollment, by Type

Type	Student enrollment (in millions)
Public charter school	1.6
Home school	1.6
Private school (includes publicly financed scholarships)	6.1
Interdistrict/intradistrict choice	7.4
Real estate choice	12.7
Total	29.4

Note. Data include enrollment for online learning across all types, estimating that 1.2 million students are taking at least one online course.

inter- and intradistrict choice laws and public charter school laws; paying private school tuitions; receiving publicly financed scholarships; and moving to a community for schooling options—real estate choice (Merrifield, 2008). Table 1 illustrates how families today exercise school choice.

What follows presents an overview of K–12 choice across the public charter, private, and traditional district sectors.

PUBLIC CHARTER SCHOOL SECTOR

The nation's first charter school law creating independent public schools of choice was enacted by Minnesota in 1991. Almost 20 years later, at the start of the 2009 academic year, there are 40 states and the District of Columbia with laws and nearly 5,000 public charter schools that enroll almost 1.6 million students. Although generally evoking bipartisan political support, these laws vary enormously in scope and support for the charter ideas of autonomy, choice, competition, and accountability. Every jurisdiction but Maryland has revised its law, with most improving the likelihood that school operators can create high-performing public charter schools (National Alliance for Public Charter Schools, 2010b, 2010c).

Approximately one quarter of charter schools are operated by management organizations—45% by nonprofit organizations and 55% by for-profit organizations. The average school has been open 6.2 years, with nearly 25% open at least 10 years, up from only 7% in 2004. From 2008 to 2009, 143 charter schools were closed, with five states accounting for two thirds of these closures (Christensen, Meijer-Irons, & Lake, 2010; Lake, Dusseault, Bowen, Demeritt, & Hill, 2010).

Almost 62% of charter students are non-White, and 48% are poor, on the basis of their eligibility for the federal free and reduced-price lunch program, compared with 47% and 45% respectively in district schools. Charter schools also enroll 11% special education students and 12% English language learners, compared with 13% and 11%, respectively, in district schools (National Alliance for Public Charter Schools, 2009c).

Although less than 3% of students enrolled in public schools attend charter schools that operate in about 1 in 20 school districts, their burgeoning enrollment in a growing number of communities is creating a dynamic, new, competitive education marketplace in some districts. For example, as of November 2010, 38% of the District of Columbia's public schools and 36% of Detroit's public school students were enrolled in charters. New Orleans, the epicenter of charter activity, has 61% of its students enrolled in charters. A record 16 communities now have more than 20% of their students enrolled in charter schools, and another 91 communities have at least 10% enrolled (National Alliance for Public Charter Schools, 2009d). Moreover, large urban school districts such as those in New York, Los Angeles, Houston, and Chicago are involved in traditional district efforts to create charter schools. One third of charters are located in large urban districts, compared with nearly one quarter of traditional district public schools.

Twenty-six states and the District of Columbia have a cap on charter school growth, limiting the number of students who can be served by a school or the number of charters allowed in a local jurisdiction or state (Hill, 2006a). An estimated 365,000 students are on charter school waiting lists, enough to fill more than 1,100 new average-sized charter schools (National Alliance for Public Charter Schools, 2009a; Winters, 2010). Some have viewed this shortage of slots and wait-list issue as the natural outcome of "price control" included in every charter school law (Merrifield, 2006, p. 8). Others have argued that the solution to this cap problem is a "smart charter school cap" that permits expansion of proven, high quality charter schools or new schools that show great promise (Dillon, 2010, p. 76).

The effectiveness of charter schools in raising student achievement is an intensely debated issue. Nearly 225 studies purported to have investigated this topic. These studies have painted a varied picture on effectiveness, although they have suggested that the longer a student is in a charter school, the greater are the academic gains. Moreover, charter laws are effective policy tools for improving student achievement, at least in some jurisdictions (National Alliance for Public Charter Schools, 2009b; Kolderie, 2009).

The variation in study results is captured in three examples. A study by the Center for Research on Education Outcomes (2009) examining 16 states found wide differences in the academic performance of charter schools: 17% reported math and reading academic gains significantly better than those in district schools; 37% showed gains worse than those in district schools; and 46% of charters demonstrated no significant difference. In contrast, two city-based studies have used an experimental or randomized trial design to examine the effect on students of attending a charter school. One found that students chosen by lottery to attend schools managed by the Chicago Charter School Foundation outperformed students on the school's waiting list who remained in district schools (Hoxby & Rockoff, 2005). The other study of New York City charters, released shortly after the Center for

Research on Education Outcomes report, found—among other results—that nearly all New York charters outperform district schools and make larger yearly academic gains (Hoxby, Murarka, & Kang, 2009).

In general, research shows that charter schools often outperform district schools on reading tests in elementary schools and on mathematics tests in middle schools, although their performance is weaker in elementary mathematics, middle school reading, and in high schools overall. In one of the most consistent findings about charter schools, survey after survey shows high levels of satisfaction among students, parents, and teachers regarding their charter school choices (Betts & Tang, 2008a, 2008b). Last, data from Florida and Chicago provide evidence that charter high schools have significant positive effects on school completion and college attendance (Booker, Sass, Gill, & Zimmer, 2010).

There is growing recognition that poor performers in the charter sector should have their doors shuttered and those improving student outcomes should be replicated (National Consensus Panel on Charter School Academic Quality, 2008; National Consensus Panel on Charter School Operation Quality, 2009). There is also general agreement that the state and local regulatory and oversight environment—especially the role of charter authorizers—is crucial to this outcome (National Association of Charter School Authorizers, 2010). Moreover, strong support for charter schools from President Obama and Secretary Duncan has helped catalyze significant improvements in the sector, especially in strengthening charter laws. For example, they insisted that states lift caps on charter school growth to compete for a share of the $4.35 billion Race to the Top Fund. As a result, 12 legislatures lifted charter caps, changed funding formulas, or undertook other actions to promote quality charter growth. All of these measures bode well for improving quality in the charter sector.

PRIVATE SCHOOL SECTOR

There are about 29,000 private elementary and secondary schools in the United States: 24% Catholic, 51% other religious faiths, and 25% nonsectarian. They enroll about 6.1 million children or nearly 11% of students enrolled in K–12 schools. Almost 34% of these private schools are in cities, and they enroll slightly more than 42% of private school students (National Center for Education Statistics, 1999, 2008). These schools—especially Catholic schools—are increasingly disappearing from the inner cities where they serve mostly minority students from low-income families. For example, more than 1,300 mostly urban Catholic schools—slightly more than 20% of the total number of Catholic schools—have closed since 1990, displacing some 300,000 students and costing taxpayers more than $20 billion to

accommodate additional students in public schools. Projections are that this number could double over the next two decades (Hamilton, 2008).

The primary policies that empower parents to choose private schools for their children are publicly financed scholarship programs. The existing programs include direct scholarships and scholarships financed indirectly through tax credits for donors. Direct programs—often referred to as vouchers—provide families with public dollars that follow children to the private school of their parents' choice. Programs are often targeted to special populations or circumstances—for example, low-income families; children in low performing schools; children with special needs, disabilities, or in foster care. Tax-credit programs provide state income tax credits to individuals or businesses that donate to nonprofit organizations that grant scholarships to children to attend private schools.

The first general tax-credit program to include private schools was enacted by Minnesota in 1955, although it did not cover tuition costs. The first direct scholarship program was launched in Milwaukee in 1990, with the first tax-credit scholarship program undertaken by Arizona in 1997. In the 2007–2008 state legislative sessions, private school choice bills were introduced in 44 states, with more than one quarter of the chambers passing legislation. By the end of that 2-year legislative cycle, nine states passed bills in both chambers that expanded or enacted new scholarship legislation. A promising development in these efforts was the growing support for scholarship programs by Democrats, who were instrumental in the majority of legislative victories. The 2009–2010 session saw additional gains—12 bills were adopted in nine states including Indiana, which passed its first tax-credit program. However, there were also setbacks: the District of Columbia direct scholarship is being phased out; Pennsylvania cut funding for its tax-credit program; and Ohio and Wisconsin reduced funding for their direct scholarships (Campanella & Ehrenreich, 2010).

Today, there are eleven direct, publicly funded scholarship programs—six for special-needs students and five for low-income students. There also are nine tax-credit scholarship programs—one for special-needs students and the others for low-income students. These 20 programs operate in 12 states and the District of Columbia. Total student enrollment in the 2009–2010 academic year was nearly 180,000 students, up 5% over the previous school year and 87% over 5 years (Campanella & Ehrenreich, 2010). Table 2 provides an overview of these programs.

TRADITIONAL DISTRICT SCHOOL SECTOR

About 48.2 million students are enrolled in around 97,000 traditional district schools across nearly 17,000 school districts, with slightly more than one

TABLE 2 Publicly Financed Scholarship Programs, 2009–2010 (N = 179,721 Students)

Location	Tax credit scholarship programs	Enrollment	Direct scholarship programs	Enrollment
Arizona	3	32,001		
D.C.			1	1,319
Florida	1	26,987	1	19,913
Georgia	1	1,900	1	2,068
Indiana	1	Effective 2010–11 school year		
Iowa	1	9,624		
Louisiana			2	
Ohio			3	1,195
Oklahoma		Effective 2010–11 school year	1	
Pennsylvania	1	44,839		
Rhode Island	1	291		
Utah			1	602
Wisconsin: Milwaukee			1	20,328
Total	11	115,642	11	64,079

third of students in Grades 9 to 12 and the rest in preK–8. Almost 3.7 million full-time–equivalent teachers work in these schools. The current student-to-teacher ratio is 15.5 to 1, down from 25.8 to 1 in 1960. Students, teachers, and administrative and support staff members comprise slightly more than 18% of the 308.7 million people in the United States (National Center for Education Statistics, 2010d, 2010e).

Nearly one quarter of district schools are in small, midsize, or large cities and enroll almost 30% of students (National Center for Education Statistics, 2007). Between 1972 and 2007, minority enrollment increased in traditional districts schools from 22% to 44%, largely reflecting growth in Hispanic enrollment. Today, 15% of students are Black, 21% are Hispanic, and 8% are from other minority groups, with White, non-Hispanic students accounting for the remaining 56% (National Center for Education Statistics, 2009a).

About 1 in 5 students (22.5%) is enrolled in one of the nation's 100 largest school districts. More than 2 in 5 (43%) attend 1 of the 500 largest districts, so less than 3% of the nation's 17,000 schools districts serve more than 40% of students. The 100 largest districts enroll almost 71% minority students, with around 53% of these students eligible for free or reduced-price lunch, compared with 42% in all district schools. Since 1966, the number of students in the largest 100 districts increased by 5 percentage points (National Center for Education Statistics, 2010a).

Per-student expenditures are 4 times higher today in real, inflation-adjusted dollars than in 1960, from $2,525 to $10,041. Total expenditures for K–12 public education are nearly $521.4 billion, accounting for 3.6% of U.S. gross domestic product. States provide 47% of funding, local jurisdictions

provide 44%, and the federal government contributes roughly 9% (National Center for Education Statistics, 2010c; Hill, 2008; Hill & Roza, 2010; Roza, 2010). Despite this enormous financial investment, student achievement gains are modest to nonexistent and racial achievement gaps persist (National Center for Education Statistics 2009a, 2009b). According to the "Nation's Report Card," the National Assessment of Educational Progress indicated the following:

- Average reading and math scores: The average reading and math scores for 9- and 13-year-old students were significantly higher in 2008 than in the early 1970s, although for 17-year-old students, the scores did not differ measurably over that time. Reading scores rose from 208 to 220 for 9-year-old students and from 255 to 260 for 13-year-old students. Math scores rose from 219 to 243 for 9-year-old students and from 266 to 281 for 13-year-old students.
- The reading achievement gap: Although the fourth-grade gap between Whites and Blacks was smaller in 2007 than in 1992, it still averaged 27 points. The gap between Whites and Hispanics was not measurably different, stagnating at 26 points. For 8th-grade students, the gap was 27 points for Blacks and 25 points for Hispanics, and 12th-grade students experienced no measurable change in the achievement gap.
- The math achievement gap: The achievement gap in math parallels that in reading. The fourth-grade gap between Whites and Blacks was smaller by 2007 but still averaged 26 points, whereas the gap between Whites and Hispanics was not measurably different, stagnating at 21 points. For 8th-grade students, the gap between Whites and both groups was 32 points, and 12th-grade students experienced no measurable change in the achievement gap.

Moreover, achievement gaps persist among the subgroups of White, Black, and Hispanic students who perform at the highest, advanced National Assessment of Educational Progress achievement level—what is described as the "excellence gap." For example, given that the percentage of White students at the advanced level in Grades 4 and 8 math has increased faster than it has for Black and Hispanic students at that level, the excellence gap has widened (Plucker, Burroughs, & Song, 2010, p. 4).

State legislatures have also passed legislation allowing and expanding inter- and intradistrict school choice, which allows students to attend a traditional district school outside of their assigned school. Forty-six states and the District of Columbia have enacted these mandatory or voluntary open-enrollment policies, although implementation varies widely (Education Commission of the States, 2008). When combined with the effect of charter schools, these open-enrollment laws have led to a decrease in the percentage of children enrolled in their assigned public schools and an

increase in those whose families are actively choosing a public school. This is true across most demographic categories, including education levels, income, family types, and regions of the country. Of the slightly more than 48 million U.S. students enrolled in the traditional district sector, about 57% attend an assigned district public school. About half of these effectively choose to attend their schools by proactively moving into the school's assignment zone—a phenomenon described as "real-estate school choice" (National Center for Education Statistics, 2010e, p. 26).

Although parental choice has grown, so has the demand for increased transparency about the performance of schools and student subgroups. As a result of laws demanding student achievement assessments, the problem of failing schools and their consequences are more widely understood. A handful of districts have begun replacing low-performing schools with proven, autonomous operators and linking student performance to the evaluation and compensation of teachers to improve their effectiveness (Hassel & Ayscue-Hassel, 2009; Hill, 2006b; Hill et al. 2009; Manwaring, 2010; Smarick, 2010).

IRON TRIANGLE IMPEDES PROGRESS: POLITICS, POLICIES, AND PROCEDURES

This analysis focuses on three barriers that are primarily structural: politics, policies, and procedures. These three interdependent elements create an iron triangle that functions as a nearly impenetrable interlocking barrier to genuine reform.

POLITICAL OPPOSITION

The politics of school choice involves group conflicts over philosophical and legal issues, research findings, pedagogies, emotional appeals involving loyalty to public education, and other factors (Hill & Jochim, 2009). The conventional actors in these clashes—state and local school system employees, teachers' unions, schools of education, textbook publishers, and others—comprise interest groups that overtly or covertly control the levers of power and decision making in K–12 education. Their goal and vested interest is to maintain education's status quo.

The growth of the school choice movement and district competition have led to the emergence of new actors and interest groups who seek to change the status quo, such as new school operators, school assistance providers, choice advocacy groups, and talent recruitment organizations. Some work within the system through efforts such as standards-based reform. Others advocate for more dramatic action that would fundamentally alter the system through publicly financed scholarships, charter schools, and

other means. Gradually, these actors have changed the dynamics of the debate surrounding the politics of school choice leading to the gains discussed earlier, although the power struggle and interest group conflicts are far from over.

POLICY CONSTRAINTS

Closely related to political obstacles are policy obstacles because interest groups work to influence those who make policies—the basic ground rules that determine what can and cannot be done (Hill, 2010). In other words, status quo politics is organized around protecting and creating policies that maintain the existing power arrangements, undermining and limiting new power coalitions and decision-making approaches. On a practical level, policy opposition in K–12 education manifests itself on many fronts: (a) limiting the number of charter schools or who can enroll in them, (b) undermining open enrollment in traditional district schools by letting districts or schools veto transfers on questionable grounds, (c) requiring only union members or school-of-education-credentialed teachers to be employed in charter schools, (d) limiting school choice to public schools, and (e) preventing charter schools or other new district schools from gaining access to school facilities on equal terms with other district schools.

One of the greatest policy constraints is the restriction of per-student dollar allotments that follows the child to the school of choice, whether charter, scholarship, or district schools. A study across 24 states and the District of Columbia using 2006–2007 data shows that charter schools receive about 16% less in per-student funding or $1,533 less than the average district school in their state. The funding gap is wider in most of the 39 traditional urban school districts studied, where it amounts to slightly more than $4,100 per student: $13,839 for district schools and $9,716 for charter schools (Batdorff, Maloney, May, Doyle, & Hassel, 2010). If this is compared to 2009-10 financial data on direct and tax-credit scholarships, another inequity surfaces: the average direct scholarship was $5,771, whereas the average tax-credit scholarship was $2,044.

PROCEDURAL CONSTRAINTS

Procedures are dictated by a web of laws, contracts, regulations, processes, and entrenched ways of operating that create a bureaucratic, monopolistic system with little transparency. They provide few, if any, constructive incentives and often suppress improvement and innovation, thereby blocking the development of new system capacities and individual capabilities. Freedom of action at the school level, where instruction occurs, is discouraged and often forbidden by a compliance mentality that requires adherence to myriad

rules and regulations, few of which are designed to help improve student achievement (Ableidinger & Hassel, 2010; Brinson & Rosch, 2010). In short, politics and policy embed themselves in procedures, creating the iron triangle of American K–12 education. Interaction between the three creates gridlock.

TABLE 3 Expanding School Choice: Barriers and Opportunities

	Conflicting interests, ideas, and institutions	
	Barriers: Old political interest groups	Opportunities: New political interest groups
Politics	– Teacher and other employee unions – State and local education officials – Established national, state, and local associations for principals, school boards, testing companies, etc. – Schools of education	– Families that want new options – Individual and network providers of schools of choice – National, state, and local charter support organizations – National, state, and local school choice organizations – Talent development, recruitment, and placement organizations – Education entrepreneurs
	Barriers: Old policy ideas	Opportunities: New policy ideas
Policies	– Students assigned to schools – Districts create and operate schools – Dollars controlled by central district – Central office provides all services to schools – Elected school boards govern and control decisions – District civil servant employment procedures – More money needed to improve schools	– Parents choose schools – Nondistrict entities authorize new schools and mange school portfolio – Money follows the child to new schools – Schools purchase services on the open market – Governance control by mayors, independent boards for schools and networks – School-level at-will employment contracts – Competition and entrepreneurship needed to improve schools
	Barriers: Old institutional procedures	Opportunities: New institutional procedures
Procedures	– Accountability based on compliance – District assigns teachers to schools – District controls resource allocation – Districts hire teachers, set salary schedule and working conditions – Enrollment in catchment area	– Accountability based on results – Open competition for teaching jobs – Schools get and spend real dollars – Schools control hiring, salary, and working conditions – Open enrollment across schools and districts

Efforts are emerging to create more transparent and performance-based ways of operating that focus on accountability for results, not procedures, processes, and other input measures (Adams & Hill, 2006; Hess, Palmieri, & Scull, 2010). These forms of oversight lead to assessments of school quality using different indicators that have one aim: to track performance so as to close poor-performing schools and to create more high-quality schools. The emerging performance oversight and management approaches rely on new types of external, nondistrict assistance providers. The assistance providers include organizations that can (a) operate new schools and transform existing district schools; (b) develop new talent recruitment strategies and place this talent in schools, districts, and other school providers; (c) support families in choosing schools; (d) create the political will and advocacy strategies that advance their point of view; and (e) develop independent analytical capabilities that can judge quality results in schools.

The matrix in Table 3 provides an overview of the conflicts created by the iron triangle. It shows the key barriers to genuine reform but also illustrates the major opportunities these present for strategic action on the part of those who aim to advance K–12 education reform.

CONCLUSION

Parent choice of schools in the charter, private, and district sectors has increased to the point where nearly 52% of families are enrolled in a K–12 school choice option. An iron triangle of politics, policy, and procedures presents both barriers to and opportunities for expanding school choice. Merrifield (2008) suggested that there are at least 12 basic policy approaches to school choice, with more than half of them going beyond the charter, private, and district avenues described in this piece. With many of the fiscal issues that states now confront, the next phase of education reform may well be devoted to challenging and tackling a far more basic set of questions regarding how K–12 schools are conceived, managed, funded, designed, and overseen. Policymakers, scholars, and advocates interested in expanding school choice should prepare for this next discussion and debate.

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