

PART ONE

Emerging Patterns

The Nature and Extent of School Choice

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Advocates of charter schools, school vouchers, and similar school reform ideas often talk as though American families today have no choice as to where they send their children for elementary and secondary schooling. These critics of the traditional public education bureaucracy typically portray it as an unresponsive and inefficient monopoly that simply assigns children to a school based upon their home address.¹ This description fails to capture the very considerable degree to which families already select the schools their children attend.

This chapter describes the nature and extent of school choice currently available and exercised. Accurately tallying up the choosers is difficult for several reasons, which we explore below; but it is worth noting at the outset that, by one plausible way of counting, more than half of American families now exercise school choice. Considerably more of that choice occurs in the public sector than in the private sector. Further, some families have more choice than others.

That the current system provides more opportunities for school choice than is typically acknowledged does not directly speak to the question of whether altering the access or allocation of school choice would be a good idea. It does suggest, however, that there is grist for empirical analysis of issues that have tended to be debated in abstract and theoretical terms.

Public School Choice

Most American children attend a public school to which they are assigned, usually on the basis of where they live. This is hardly the same as saying families have no choice. A world of no choice would be one in which families were told where they had to live and in which children in each neighborhood were required to go to school together; or in which the federal government gathered up all of America's young and sent them off to boarding schools based upon, say, a lottery or what a team of professionals thought was best for the children or for the nation. Our world, however, is very different. Put simply, by deciding where they live, families can generally determine which public schools their children will attend.

Choice of Residence

Given that reality, one might be tempted to say that all or nearly all parents are making a school choice for their children. After all, if their children are enrolled in neighborhood public schools, then merely by deciding *not* to move somewhere else, the parents are choosing to retain those assignments. It is probably fair to say that, at the extreme, if their lives depended upon it, or if their children's lives depended upon it, nearly all families could, and would, move. Surely most people would agree that the decision not to move is a far too expansive notion of what constitutes making a school choice for one's children. Inequities in the distribution of income and wealth, along with racial discrimination that persists despite open-housing legislation, mean that residential mobility is an option that is far more available to some families than others. On the other hand, it would just as surely be a mistake to say that no one chooses their child's school by deciding where to live.

Clearly, the residential choices made by a large number of families are very much driven by school choice. Many families first decide precisely where they want their children to go to school, and having done that, they find a house or apartment in the right location. So many a household changes residence in anticipation of the eldest child heading off to kindergarten. Cross-national evidence suggests that the rate of moving among households with young children is especially high in the United States.² Other families take schools generally into account when deciding where to live. For example, when moving into a metropolitan area many families opt for the suburbs, or for a specific suburb, because of the reputation of the schools. Realtors typically provide information about the schools near the homes they are trying to sell. There are books and consultants available to provide advice

about the schooling consequences of a new place to live. Still other families deliberately move to get away from a poorly performing school or a bad school experience their children have had.

It is also clear that many families pay little or no attention to the local schools when deciding where to live. Some families can only afford to live in one or two parts of town, and they will take the first adequate home or apartment that comes their way. Indeed, poor families seeking subsidized housing often have no choice at all as to where they live; they just take the one apartment offered to them by the local housing authority. Other parents may feel unwelcome in a new neighborhood or find it uncomfortable or otherwise undesirable to move away from where they were raised. Some families in this broad category might well wish to make a different school choice for their children but feel constrained to accept the local public school because of a sense that their residential opportunities are so circumscribed. It is important to remember too, of course, that for some poor families residential mobility may be imposed, not selected. Changing rents, job loss, or marital breakup can force parents to relocate against their will. One study found that children living with only one parent move twice as frequently as those living in two-parent households.³ Largely involuntary mobility in some low-income areas creates tremendous barriers to learning, both for the students who move and for the schools that must accommodate them.⁴

Other families could take schools into account when making a choice of residence, but they do not. Some, for example, move to new communities for employment opportunities and make their housing choices at a time when they are uninformed about the schools. Many couples move into a house or apartment before they have children, oblivious to the schooling situation, and simply stay on when they become parents, never really considering moving for schools that might be better for their children. There are those who put their own convenience (say, proximity to work) or taste (say, the kind of house they live in) ahead of any consideration of the local schools. Indeed, some parents may care little about their children's education, and still others may believe that they would not be very good at selecting a school if they tried. What all of these families know is that, wherever they live, there will be a public school available for their children. For some, that is good enough—just like the comfort many people take in knowing that there is a fire department somewhere in the neighborhood.

There are no reliable data on how many families fall into these categories. It is not even clear which types of family described above ought to be counted

as intentionally choosing their children's schools by deciding where to live. Is it enough that they thought at all about the neighborhood schools? Must the school have been decisive in determining where they live? What if the local school was really their second choice but the house was wonderful and that is why they made the decision? About the best we can do for now is report what parents say when asked in surveys. For example, in the National Household Education Survey conducted in 1993 by the National Center for Education Statistics, about half the parents whose children were assigned to the local public school claimed that "their choice of residence was influenced by where their children would go to school."⁵ This, of course, is a very vague statement. Nevertheless, if all of those families were counted as intentionally making a school choice through their housing location, then we are talking about something like 18 or 19 million schoolchildren, a level that would swamp all of the other school choices now occurring.⁶

Even if only 25 percent of all public school-using families were said to be making deliberate school choices through residential selection, that would cover more than 11 million children—approximately equal to the aggregate of all other sorts of school choice. Regardless of what the "right" number is, surely it is true that, for upper-middle-class and wealthier families who have considerable residential flexibility, school choice through housing choice is a potent and much-exercised option. The 1993 study noted above found that, in households with income of \$50,000 or more, 60 percent of the parents whose children attended an assigned public school took the schools into account in deciding where to live, in contrast to parents of just over 40 percent of the children in households with less than \$15,000 in income. Race, partly because of its correlation with income, but for other reasons as well, also can be associated with differential access to residential mobility as a vehicle for school choice. There is at least some evidence, though, that such racial barriers are diminishing. Relocation from central cities to suburbs by young white families with school-age children was a familiar pattern in older metropolitan areas during the 1950s and 1960s; there is convincing evidence that there exists a new pattern of black suburbanization that mimics the early white pattern in important respects.⁷

It is perhaps also worth noting that living in a specific place does not always guarantee access to the closest, or most convenient, public school. Sometimes quirks of attendance-area boundary drawing or problems of school overcrowding have caused certain homes or blocks to be connected to schools in less convenient locations (although families may well learn about this before they move in). In addition, some children are assigned to

out-of-neighborhood schools for reasons of racial balance, either pursuant to a court order or because of a school district's own decision, although this sort of busing appears to be very much on the decline. Again, families might well be aware of what sort of busing may be in store for them before they make their residential choice.

From time to time, public school attendance areas are redrawn, perhaps because new schools are opened or others are closed. These decisions often generate considerable local resentment, suggesting that the objectors care very much about their children's current school or at least are quite unhappy about the pending disruption.

Intradistrict Choice

Even when we exclude those who exercise choice via their housing location decisions, about half of the school choice now being exercised by American families is taking place in the public education system. Around 10 percent of elementary and secondary school students appear to be enrolled in public schools that were not assigned to them by virtue of where they live.⁸ The most common type of public school choice is intradistrict choice. That is, a significant number of children (perhaps 4 or 5 million) attend public schools run by their local school district that have been deliberately selected by their families in response to some sort of choice opportunity (that is, other than by mere assignment based on residence). Often, but not always, these schools are not the ones located nearest to where the family lives. These intradistrict choice schemes come in several varieties.

NONNEIGHBORHOOD SCHOOLS. About one in seven school districts, and more than one in three districts with more than 10,000 pupils, has identified one or more schools as nonneighborhood schools.⁹ These schools might be termed alternative or experimental or thematic or selective, and they have been created for a variety of reasons. Sometimes admission is on a first-come, first-served basis or by lottery. Sometimes selection criteria are imposed by districts that operate talent-based schools in math and science, the arts, and so on. Some districts impose racial criteria on these programs—for example, by giving preference to those children whose presence will promote racial balance. In any event, students only attend because of family choice, with no preference given to those who happen to live closest. Of course, some families may enroll their children in such a school precisely because it is near to where they live.

Some of the earliest examples of school choice of this sort can be found among the various specialty schools that offer innovative or accelerated pro-

grams for students whose high-level aptitude or creativity are not well or easily served by the conventional curriculum. The oldest among these have roots in the progressive education movement dating from the 1920s. Walnut Hills High School in Cincinnati, for example, was established in 1918 to serve academically gifted children; similar programs have long existed elsewhere, including the Bronx High School of Science in New York City, Lowell High School in San Francisco, and Boston's Latin School.¹⁰ Specialty schools providing technical and vocational training and special schools for troubled youngsters also have deep historical roots.

A second major wave of alternative school formation occurred in the 1960s and early 1970s, often in response to parental and teacher pressures for a nontraditional curriculum. Because there is no universally recognized definition of what constitutes a specialty or alternative school, estimates of their prevalence necessarily are imprecise, but one source indicates that there are more than 2,200 of these choice schools in more than 1,000 districts.¹¹ Amy Wells puts the number at between 3,000 and 6,000 public alternative schools.¹² One study found that 3 million children attend such schools; another put the number even higher.¹³

Magnet schools are another important source of intradistrict choice, although they currently serve fewer students than do specialty and alternative schools. The magnet label is usually attached to choice schools that were intentionally developed as part of a school district's plan, sometimes in response to a judicial order, to achieve school integration without relying exclusively on mandatory reassignment. These schools generally use racial balance criteria in selecting among those who apply. Beginning in the mid-1970s, the number of magnet schools expanded rapidly for about ten or fifteen years. A 1982 study found 1,019 magnets in 138 districts, an increase from 14 districts in 1975. A 1995 study estimates that 1.2 million students were attending magnet programs in 2,433 schools located in 230 districts.¹⁴ Magnet schools are, for the most part, an option limited to urban areas, especially large and racially heterogeneous central cities. Based on the 1990 National Educational Longitudinal Survey (NELS), Adam Gamoran found that city students were almost three times more likely than the national average to attend magnet public high schools.¹⁵

School choice in the magnet school setting is meant to serve the opposite function than was intended by some school districts in the South that were engaged in "massive resistance" in the early years after *Brown v. Board of Education*.¹⁶ Rather than dismantle their previously all-white and all-black schools, some public school officials merely adopted the rule that stu-

dents of either race could voluntarily transfer to any other school in the district. Unsurprisingly, this failed to generate a rush of white students to the black schools, and African American families claimed that their children would not at all be welcome at the hostile white schools. The U.S. Supreme Court held this pseudochoice regime unconstitutional in *Green v. County School Board*.¹⁷ The legacy of that strategy is that some advocates of school integration have been leery of choice ever since.

NO NEIGHBORHOOD SCHOOLS. In a relatively few public school districts, all of the public schools are choice schools. Cambridge, Massachusetts, developed this scheme in 1981, followed later by cities such as Buffalo, New York; Montclair, New Jersey; and Berkeley, California. Children are not assigned to schools on the basis of neighborhood or given an entitlement to attend the school located closest to where they live. Every family must make a choice; many in fact opt for their neighborhood school. These communities generally impose racial balance criteria on the school selection process. Indeed, they have generally adopted this so-called controlled-choice approach as a way of eliminating racial isolation in their schools, often in the face of real or threatened judicial intervention. In a legal current environment in which judicial intervention for racial balance purposes is less probable, large-scale, controlled-choice plans now appear to be relatively rare, although some smaller districts have voluntarily adopted this scheme in recent years.¹⁸ Possibly because of its Cambridge origins, this approach appears to be most popular in Massachusetts, where, for example, at least nine districts adopted controlled-choice plans between 1987 and 1991.¹⁹

Some districts have moved toward districtwide choice, less as a tool for integration and more as a vehicle for encouraging educational innovation and accommodating families and children with diverse interests and needs. Indeed, in some places school authorities aggressively promote the obligation of families to choose among schools. New York City's District 4 is a prominent example. The community school district in the East Harlem area of the city began experimenting with public school choice around 1974, and in 1982 it eliminated attendance zones for all junior high students. This reform was the outcome of a coalition of renegade teachers, entrepreneurial bureaucrats, and a core of dissatisfied parents and community activists.²⁰

INDIVIDUAL TRANSFERS. Some families would like to enroll their children in a neighborhood school that is located inside their district but in another neighborhood. In other words, they seek to add choice on top of what is otherwise basically a system of assignment by place of residence.

Traditionally, public school districts have been highly reluctant to grant these requests as a matter of course, even if there is room in the desired school. In recent years, however, some districts have begun to welcome transfer petitions, or at least they welcome them if they promote, or do not undermine, racial balance. New York City is one example. Based largely on the perceived success of District 4, the New York City Board of Education, in 1993, established a general program to facilitate choice across all of its thirty-two community school districts. With New York City public schools currently serving well over a half million children, this policy, in theory, provides choice to a huge potential clientele, albeit in an attenuated form.

Yet while nominally allowing students to transfer freely, the New York program restricts cross-community district transfers to cases in which space is available. In other words, neighborhood children still have first priority. Moreover, due to the high-enrollment pressures on New York City schools, space for outsiders usually is not available.²¹ The New York City choice plan is very different from mandatory choice schemes, such as Cambridge's controlled-choice plan, but when out-of-neighborhood schools they prefer have spaces available New York parents are allowed to enroll their children in them.

In most districts, as noted, there are no such entitlements. Instead, individual transfer requests are still generally granted only for good cause—typically because the child is having a serious problem in the neighborhood school that cannot be readily solved there. To be sure, school districts vary quite a bit in the rigidity and uniformity with which they apply their attendance zone policies. Some districts have clear and explicit provisions for transfers—for example, when a child wants or needs a special program not available at the home school. Others have an informal process by which aggressive parents can obtain exceptions, sometimes by working with local principals and sometimes by lobbying their school board representative. In some communities, there are formal mechanisms with appeals processes that families seeking transfers may utilize. Washington, D.C., for example, combines some formal choice options (for example, an academic high school, a school of the performing arts, and special vocational skills programs) with a largely sub-rosa process in which principals in charge of neighborhood schools are given enormous discretion about whether to accept children seeking entry from outside their attendance zone. The official records on discretionary out-of-boundary enrollment deal only with transfers that have been officially sanctioned, and the official count indicates that there were more than 9,900 such enrollments in March 1994, accounting

for about one in eight of the District's pupils.²² This leaves out the many reputed cases of students using addresses of friends or relatives in order to gain access to a more desirable school.

Interdistrict Choice

Some families wish to enroll their children in public schools located in other districts. Again, the public schools have traditionally opposed these requests except when very convincing reasons are given. School finance arrangements often discourage such transfers, especially if the rules of the game require both districts to approve, since it is often to the economic disadvantage of one of the districts. In some places, districts are willing to trade—that is, they will approve these requests on a one-for-one basis. Recently, however, interdistrict choice has expanded. According to one report, eighteen states have adopted choice plans that give children rights to enroll in public schools outside their district of residence.²³ Minnesota's open-enrollment program, phased in between 1987 and 1990, allows students in grades kindergarten through twelve to apply to schools anywhere in the state. Home districts may not prevent a student from attending school in another district, and receiving districts may not deny applications to enter their schools unless space is unavailable.²⁴ Although the Minnesota example has sparked a wave of copycat legislation, these plans differ somewhat from state to state. For example, in some states, school districts have the option of participating or not; if they do not, then neither may their students leave, nor may others enter. Ohio's experience, for example, has been that the major urban school districts have opted not to participate for fear of losing far more students than they could expect to attract.²⁵

The key change brought about by interdistrict transfer plans is that students may leave without obtaining the permission of their home district. Nonetheless, children of families already living in the desired district have priority rights to attend their own district's schools. This means, in practice, that receiving districts can probably block in-transfers they oppose by refusing to acknowledge that they have space available. Other interdistrict voluntary transfer schemes have been adopted as part of metropolitan school desegregation efforts. In some of those plans, inner-city magnet schools are open to both in-district and out-of-district pupils on terms that will help further the community's racial balance goals. A few suburban districts have voluntarily opened their doors to inner-city schoolchildren as a way of promoting integration, but these programs tend to be very small in scale. Broader participation of the suburban schools has depended upon

the forceful intervention of federal courts or state officials. Federal courts have very occasionally overseen the establishment of widespread interdistrict choice arrangements as a means of addressing metropolitan racial segregation; but in light of the Supreme Court's refusal to order integration of the public schools throughout the Detroit metropolitan area absent a showing of intentional exclusion of African American children from the suburban schools,²⁶ they have been much less likely to get involved in cross-district remedies than those restricted to local district lines.²⁷

According to one survey, about 200,000 children nationwide (fewer than 0.5 percent of all public schoolchildren) were participating in various interdistrict choice programs in 1993.²⁸ Since this study, more states have enacted interdistrict choice schemes, and the opportunity generally has probably become more widely known. For example, in Iowa 2.6 percent of the public school pupil population was participating when the plan reached its seventh year of operation in 1996–97; Minnesota's grew from 1.2 percent in the first years to 2.3 percent; and Washington had 2 percent participating after four years.²⁹ This is to be contrasted with a participation rate of less than 2 percent in states with such programs in 1993–94.³⁰

One additional phenomenon worth attention is the giving of a false address. Some families either so much dislike their neighborhood public school or so prefer another public school, or both, that they pretend that their children are living other than where they really are. By providing school officials with a false address, they seek to gain admittance to a different school. This is a highly motivated form of school choice. Informal inquiries suggest to us that sometimes school districts are very casual about this matter, especially when the parents are jumping from one school to another within the district. Perhaps officials are happy that parents care so much; and in some cases officials may be eager not to have public attention drawn to the reasons that some parents are fleeing certain schools. Occasional news accounts suggest that other times school districts try to be very strict, especially when the false address is outside of the pupil's home district. Often money considerations lie behind this rigidity. Either a district does not want to lose its children to other districts because of the state funds it will forfeit, or the receiving district does not want to have to pay to educate the children from other districts even if it were to get some extra state funds for additional enrollees. Not surprisingly, there are no reliable data as to the number of families who exercise choice by giving false addresses. Washington, D.C., school officials have estimated that about 4,000 to 7,000 stu-

dents (as much as one in ten) attending schools in the school system actually live in surrounding jurisdictions.³¹

Charter Schools

Charter schools are the latest development in schools of choice, and at the moment, they are the most rapidly expanding form of school choice. These schools are deliberately designed to straddle the line traditionally distinguishing public from private schools. That is, they are officially public schools, but the charter concept envisions that they are to be quite independent in their management. (A great deal of attention is given to them in later chapters of this book.)

In many states, public authorities may provide charters both to existing public schools (often termed conversion schools) and to new schools (often formed by entrepreneurs of various sorts).³² Charter schools receive public funding on a per student basis, are often responsible for achieving educational outcomes defined by their chartering body, and are subject to public oversight. Yet their charters are usually designed to exempt them from many of the rules and regulations that bind regular public schools to specific standards and procedures. States vary as to whether a would-be charter school is to seek its charter from the local district, a state agency, or either.

Minnesota, the national leader in public school interdistrict choice, also took the lead in the charter school movement, enacting the first legislation in 1991. By July 1996, charter laws were in place in twenty-five states and the District of Columbia. As recently as 1993–94, however, there were only an estimated 32 charter schools actually in operation, all but 6 of them in California. By 1995–96 that number had increased to about 250, and in January 1997 there were 428 charter schools in operation nationwide.³³ In the 1997–98 school year, it has been estimated that as many as 170,000 to 200,000 students attended about 700 charter schools.³⁴ Going into the 1998–99 school year, Arizona, California, and Michigan together accounted for more than half of the nation's charter schools.³⁵ At this rate of increase, charter schools could easily be serving more than a million pupils in the near future. Whether this growth rate can be sustained is another matter, however, and is explored in depth in Paul Hill's chapter in this book.

So far, charter schools typically draw pupils from the district in which they are located, although some charter schools draw generally from the broader community, and this may be a growing phenomenon in the future.

Generally speaking, charter schools admit on a first-come, first-served basis or by lottery, without giving preference based upon where pupils live. In this respect, charter schools are much like those magnet, alternative, and other such choice schools that many districts have been operating for years.

Private School Choice

Although there is a great deal of debate right now about voucher plans that would facilitate greater private school choice, nonpublic education has long been a matter of controversy.

A Little History

What we think of today as the Catholic school system came about because of Catholics' religious differences with Protestants, who effectively exercised political control over the public school system as it came into its own during the last half of the nineteenth century.³⁶ Although the public schools in that era were not formally religious schools, Protestant prayers were usually said; Catholics created their own system as a way to preserve their religious identity. In later years, with even larger numbers of Catholic immigrants, the Catholic school system grew. Following World War I, however, the nativism movement that swept the country sought, among other things, to force all Catholic children into public schools by prohibiting families from sending their children to private schools. In two famous decisions from the 1920s, *Pierce v. Society of Sisters* and *Meyer v. Nebraska*, the U.S. Supreme Court struck down these controls on parents' rights to direct the education of their children.³⁷ Families won the constitutional right to send their children to private schools, subject to the reasonable regulation of those schools by the state.

Renewed controversies over the use of private schools broke out again in the late 1950s and early 1960s, as some southern families, seeking to avoid the requirements of *Brown v. Board of Education*, turned to private white academies to educate their children. Although the earlier *Pierce* decision ensured families the right to private schooling, the U.S. Supreme Court hemmed in these clearly racially motivated endeavors. First, the Court said that districts could not simply close down their public schools in order to avoid integrating them.³⁸ Then it barred the payment of publicly funded tuition assistance to families attending the white academies.³⁹ In 1976 it held that a post-Civil War era statute provided the legal grounds by which an African American child could successfully challenge a private school's racially

discriminatory admissions policy, although it was never clear that anyone suing such a school would actually want to attend.⁴⁰ Along the way, racially discriminatory private schools also lost their right to tax-exempt status.⁴¹

Attendance at private schools in the South has not become widespread: fewer than 10 percent of the pupils attend private schools in every southern state except Louisiana, which has a substantial Catholic population.⁴² Nonetheless, this experience with open racism in private education continues to make many people nervous about nonpublic schools. Indeed, racial, religious, and social class exclusivity—three things that private schools have stood for at various times in our history—are exactly what they see themselves as fighting against.

Some Numbers

About 5 million children, or around 10 percent of the approximately 50 million children in school, attend private schools; about 85 percent of these attend religious schools.⁴³ In contrast to the past, however, Catholic schools are no longer as dominant. In 1970, about 70 percent of private schools were Catholic.⁴⁴ In 1998 Catholic schools accounted for about half of private school pupils; other religious schools accounted for about 35 percent.⁴⁵ The largest growth in private education over the past thirty years has been among conservative Christian schools, which enrolled around 14 percent of all private school pupils in 1995–96. Although only 15 percent of private school enrollment is in nonreligious schools, these get considerable attention in nearly every urban area because some of them are well patronized by elites. Some of these nonreligious, private schools specialize in the education of children with substantial disabilities (numbering perhaps 100,000).

Most private school enrollment is, of course, the result of individual family decisions. There was a time when many families sent their children to private school essentially unthinkingly—that is, as though there really was no question (or choice) about it. Imagine Catholic families in certain Catholic neighborhoods where everyone used the local Catholic school. For such families, as a practical matter, having their children attend the local parish elementary school followed as directly from the family's place of residence as did local public school attendance follow for most non-Catholic families. Moreover, for many of those Catholic families it was by no means a deliberate choice to live in a particular place in order to enroll their children in a particular Catholic school. Today, however, it seems very much the case that the decision to send one's children to a religious school is a deliberate one. In the early 1960s more than 40 percent of Catholic chil-

dren attended Catholic schools (and surely the numbers were much higher in certain parishes), whereas by the early 1990s that proportion appears to have dropped to less than 20 percent.⁴⁶

Home Schooling

Over the past thirty years there appears to have been a huge increase in home schooling—that is, keeping children out of formal schools and educating them at home.⁴⁷ This does not mean that these children are completely isolated from other children. Home school parents often band together for group activities; sometimes they share a church affiliation, sometimes they go on field trips together, sometimes their children play together when young and later play on the same sports teams (although they often find it difficult to get official school teams to play against them).

In some places, home schoolers have formed cooperative schools, with some shared teaching. Some have formed charter schools, thereby obtaining public funding. In a few places, home school parents have signed on with public school districts as carrying out independent study. This arrangement typically gives the school district another pupil for state financial aid purposes, while giving parents some tangible assistance from the district in the form of books and materials, visitation and advice from a teacher or curriculum specialist, perhaps funding for a computer, and so on. In other places, home schooling may be counted as part of the private school tally, and some home school parents officially form schools for their own children to attend in order to comply with state compulsory education laws. Sometimes home schooling is separately counted. Public officials often do not know the extent of home schooling going on (especially with the decline in an effective truancy officer corps), so many home-schooled children are not counted at all. Nevertheless, one home school organization claims that some 1.23 million children were being home schooled in the United States in the fall of 1996.⁴⁸ (This number might be very inaccurate, although the authors claim it is correct within 10 percent.) Patricia Lines, who has tracked home schooling for the U.S. Department of Education, estimates the number of home-schooled children at roughly 1 million.⁴⁹

School Vouchers

Publicly funded vouchers (or scholarships) that may be used by parents to pay for their children's education at private religious and secular schools remain the favored choice vehicles for many school reformers. (Like char-

ter schools, this idea is given considerable attention throughout this book.) School vouchers have gained academic and political support from some economists and business leaders, who predict great things from the competition that vouchers are meant to inject into the existing system, and from some pluralists, who believe that families, rather than the government, should decide what sort of education their children should receive. Although vouchers are often characterized as a conservative or libertarian and Republican idea, certain regulated school voucher plans have won the support of some Democrats who think of themselves as progressives.

Milton Friedman, the Nobel laureate economist, has favored providing unregulated school vouchers to all families, but his proposal has not enjoyed widespread political popularity and is nowhere in place in the United States.⁵⁰ Moreover, despite some recent court decisions favorable to school vouchers, doubts remain about the legality of including religious schools in such plans. Conversely, some observers doubt whether the government may legally permit vouchers to be used exclusively at private, nonreligious schools. Nevertheless, there have been some important developments on this front over the past several years.

Without question, the most visible and intensely examined school choice program is Milwaukee's experiment with vouchers for low-income students. Since 1990, Wisconsin has permitted a limited number of Milwaukee families to attend private, nonreligious schools at public expense. In 1996–97, about 1,600 students took advantage of this program. The state legislature's decision in 1995 to permit the vouchers to be used at religious schools was tied up in court for several years. In June 1998 the Wisconsin Supreme Court upheld the extension, and in the fall of 1998 the U.S. Supreme Court declined to review the case.⁵¹ Hence religious schools are now participating in the plan, and the number of participating students grew to 6,000 by 1999. (These legal issues are discussed extensively in Jesse Choper's chapter in this book.) Following in Wisconsin's footsteps, the Ohio legislature instituted a voucher program for low-income students in Cleveland. Cleveland's program was designed to be somewhat larger than Milwaukee's and included religious schools right from the start. As of April 1997, about 2,000 students were enrolled in fifty-five participating private schools, forty-six of which were religious schools; by the end of the 1998–99 school year, 3,500 pupils were in the program.⁵² Cleveland's inclusion of religious schools is also under legal attack. (Later chapters of this book, especially Jeffrey Henig's, address what lessons, if any, may be drawn from these two rather small experiments.)

In the middle of 1999, Florida adopted a plan to provide school vouchers of substantial value to children otherwise assigned to the state's worst public schools. Fewer than 1,000 children were scheduled to be eligible in the first year, but the numbers could quickly grow to as many as 25,000. The vouchers could be used in both religious and nonparochial schools. Opponents immediately challenged the plan in court.⁵³

While the Milwaukee and Cleveland plans have been dogged by legal and political controversy, a privately funded movement has quietly grown that provides scholarships to children from low-income families. This movement now has programs in cities across the country, and far more children are attending private schools of choice with these vouchers than in the Milwaukee and Cleveland plans combined. According to the Center for Education Reform, a prochoice group, at least sixty-five private sector scholarship programs were operating by the summer of 1999.⁵⁴ Partners Advancing Values in Education (PAVE), which claims to be the largest privately funded kindergarten through twelfth grade scholarship program in the country, provided more than 4,300 scholarships, worth \$3.5 million, to Milwaukee students in 1995–96.⁵⁵ PAVE receives funding from nearly forty-nine foundations and fifty corporations and businesses. Other important private scholarship programs include the Indianapolis program initiated by the Golden Rule Insurance Company, the Children's Educational Opportunity program begun in San Antonio in 1992, and the School Choice Scholarships Foundation program begun in New York City in 1997. Of these, the San Antonio program has been the most extensively and systematically studied.⁵⁶ In 1999 a substantial additional step in this direction was taken with the beginning of a nationwide private school voucher plan, when 40,000 pupils (of more than a million applicants) from low-income families in cities around the country were awarded scholarships from a \$170 million fund raised in large part by financier Theodore J. Forstmann.⁵⁷

These private scholarship plans are promoted by many of the same organizations and individuals that favor publicly funded vouchers. Although these plans face none of the legal problems, and many fewer of the political problems, that have so far limited the expansion of public voucher systems, it is currently unimaginable that private charity could sustain a nationwide private scholarship scheme that would provide choice opportunities for all the low-income families wishing to pursue them. Indeed, even where they are in place, these private scholarship plans so far have provided partial and modest funding that, as a practical matter, permit recipients, often at great effort, to seek enrollment only in low-tuition, often

Table 1-1. *Nature and Extent of School Choice Programs in the United States*

<i>Program</i>	<i>Number</i>	<i>Percent</i>
Total elementary and secondary schoolchildren	50.0 million	100
Schoolchildren privately educated	6.0 million	12
Tuition-paid private schools	5.0 million	10
Home schooling	1.0 million	2
Using publicly funded vouchers for private schools	^a	
Using privately funded vouchers for private schools	^a	
Schoolchildren in public school choice programs	23.5 million	47
Intradistrict choice programs (specialty, alternative, and magnet schools; choice districts; individual transfers; false addresses)	5.0 million	10
Interdistrict choice	0.3 million	0.6
Charter schools	0.2 million	0.4
Choice through choice of residence	18.0 million	36
Total schoolchildren in choice schools	29.5 million	59

a. Less than 0.1.

religious, private schools. In addition to doing what they see as good deeds, the supporters of these plans presumably seek to demonstrate that low-income families are interested in choice and will make sensible choices for their children by getting them into schools that better serve their needs.⁵⁸ Whether this movement will play out in that way remains to be seen.

Summing Up

Nearly 60 percent of all schoolchildren in the United States attend schools of choice (table 1-1). Some of the numbers in the table are of questionable reliability; for example, the number of families said to be making choice through choice of residence should be used with great caution. But even if we put aside completely school choice through choice of residence, nearly a quarter of U.S. schoolchildren attend schools that were picked out for them. Clearly, this is a great deal more choice than many people realize or acknowledge.

On the other hand, one should keep in mind that even those making a choice may not be getting their first choice. In some cases, the family might have applied to its first-choice school, but the child was not admitted. Perhaps the school was full or the child did not meet some admissions criterion. This outcome, of course, is inevitable in any school choice regime. In other cases, the family did not apply to its first-choice school because limitations on the family's range of choice automatically ruled that school out.

For many, it is a matter of money. The family simply could not afford to make its first choice: it was too costly to pay the required tuition in the desired private school or to buy a house in the neighborhood of the desired public school. Unaffordability is sometimes an absolute: the family is living in poverty. Other families would have to make a financial sacrifice of some magnitude. Often what leads them to say that they cannot afford their first choice is that they do not have to pay for the schools made available through a public school choice plan or by moving into a neighborhood they can afford.

Even putting aside paying tuition or moving, many families who make school choices do so in a second-best world. For example, they may opt for an alternative school inside the district but would have preferred one in a neighboring district. Yet no interdistrict transfer program was available to them. That many Americans do not get their first choice of schools does not mean that the system is a failure, of course. Limited options and limited resources mean that most people do not get their first choice for most things—vacations, houses, computers, cars, as well as schools.

It goes without saying that a substantial expansion of school choice would mean that even more children would attend other than neighborhood public schools. Yet it is very difficult to make any reasonable estimate as to how many. A 1992 study predicted that 15 percent of public school pupils would switch to private schools if no tuition were required of parents.⁵⁹ Surveys that ask parents if they would send their children to private schools if the state paid the tuition reveal that a much higher proportion of parents would choose private schools for their children.⁶⁰ Yet those surveys probably significantly overestimate the number that would actually do so, at least in the early years of any such program. On the other hand, the longer that choice options are available, and the more that choosing a school becomes part of the general culture, the more likely it is that families will act upon the options made available to them.⁶¹ In any event, the design of a broadly expanded school choice plan can greatly influence who, and how many, will take advantage of the scheme. For example, there is likely to be a world of difference between a reform that gives high-value school vouchers to low-income families exclusively and one that gives modest-value school vouchers to all families.

For now, school vouchers play a trivial role in the world of school choice. Charter schools, while expanding rapidly, still account for a very small proportion of America's schoolchildren, and almost three-quarters of the charter schools in operation are located within only seven states.⁶² Fascination

with these options plainly lies in their potential to transform the sorts of choice arrangement now in place. Families with limited financial means are dependent upon the public education system to start up school choice programs and to include in those programs the types of schools that the families want for their children. Charter schools and school vouchers, by contrast, contain the promise that schools will form wherever there is demand—indeed, that innovators will start new schools that will create demand. It is this prospect—of a possibly enormous expansion in the range of choice that ordinary families will have and will exercise—that excites school choice advocates.

In such a world, families would be expected to pursue choice options in their own self-interest, in most cases in what they see as the best interest of their children. While the aggregate of such decisions might be a great benefit to our nation, many fear that this sort of extensive and intensive pursuit of private interest would not be in the public interest. Again, the design details of any large-scale choice plan could play a critical role in determining the answer to this vital issue (a matter taken up in depth in Frank Kemerer's chapter in this book).

Few suggest that the public school choice that is now in place is bad for society, and many believe that the current level of private school choice, dominated as it is by the religious and nonprofit sector, has its public virtues as well. This leads choice supporters to say the more, the merrier. But a widely expanded choice regime, especially if a significant share of the supply-side is provided by those who are in it for financial profit, could have quite different consequences, both good and bad. For these reasons, it is not surprising that people of good will are divided over whether a much broader system of school choice is a threat or an opportunity.

Notes

1. Paul E. Peterson, "Monopoly and Competition in American Education," in William H. Clune and John F. Witte, eds., *Choice and Control in American Education*, vol. 1 (London: Falmer, 1990). "It is an iron law of organizations that they seek to expand their size, their scope of operation, and their autonomy from external influence," writes Peterson, and "public schools in the United States, although also constrained by competition in many ways, have come closer than most institutions to consolidating a position of monopoly power" (p. 48).

2. Larry Long, "Changing Residence: Comparative Perspectives on Its Relationship to Age, Sex, and Marital Status," *Population Studies*, vol. 46 (1992), pp. 141–58.

3. Carl Sewell, "The Impact of Pupil Mobility on Assessment of Student Achievement and Its Implications for Program Planning" (Brooklyn, N.Y.: Community School District 17, 1982).

4. Bruce C. Straits, "Residence, Migration, and School Progress," *Sociology of Education*,

vol. 60 (January 1987), pp. 34–43.

5. National Center for Education Statistics (NCES), *The Condition of Education, 1997* (U.S. Department of Education, 1997).

6. This number is derived by applying the 50 percent rate only to those families who do not otherwise exercise school choice, public or private.

7. William H. Frey, “Mover Destination Selectivity and the Changing Suburbanization of Metropolitan Whites and Blacks,” *Demography*, vol. 22 (May 1985), p. 239.

8. NCES, *The Condition of Education*. How many families exercise public school choice in these many ways? A fairly rough study using 1993 data (NCES, *Use of School Choice* [U.S. Department of Education, 1995]) estimates that about 11 percent of children enrolled in grades three through twelve attend public schools that their families choose for them (other than by choosing where to live). This is about 12 percent of all public school children in those grades, and if this figure is extrapolated to cover all public school children in grades kindergarten through twelve (about 45 million children), it would amount to more than 5 million children. A somewhat more detailed study using different 1993–94 data (NCES, *Public School Choice Programs, 1993–94: Availability and Student Participation* [U.S. Department of Education, 1996]) produced more fine-tuned estimates and a somewhat smaller overall number. It found that nearly 3 million children participate in what it calls intradistrict choice programs. (This includes all children living in those districts that force all families to choose.) Another approximately 1 million children participate in magnet programs, which themselves are generally intradistrict choice schemes but which the survey counted separately. Together, these two categories amount to something over 8 percent of all public school children.

9. NCES, *Public School Choice Programs*.

10. Vernon H. Smith, *Alternative Schools: The Development of Options in Public Education* (Lincoln, Neb.: Professional Educators’ Publications, 1974); Mario Fantini, *Public Schools of Choice* (Simon and Schuster, 1973).

11. Lauri Steel and Roger Levine, *Educational Innovation in Multiracial Contexts: The Growth of Magnet Schools in American Education* (U.S. Department of Education, 1994).

12. Amy Stuart Wells, *Time to Choose* (Hill and Wang, 1993), chap. 2.

13. NCES, *Public School Choice Programs*; NCES, *The Condition of Education*.

14. Rolf Blank and others, *Survey of Magnet Schools: Analyzing a Model for Quality Integrated Education* (U.S. Department of Education, 1983); Rolf Blank, Roger Levine, and Lauri Steel, “After 15 Years, Magnet Schools in Urban Education,” in Richard Elmore and Bruce Fuller, eds., *Who Chooses? Who Loses? Culture, Institutions, and the Unequal Effects of School Choice* (Teachers College Press, 1996).

15. Adam Gamoran, “Student Achievement in Public Magnet, Public Comprehensive, and Private City High Schools,” *Educational Evaluation and Policy Analysis*, vol. 18 (Spring 1996), pp. 1–18. Gamoran finds that fully four of ten central city high school students attend some kind of school of choice: stand-alone magnet (10 percent), school-within-a-school magnet (8 percent), other public specialty or theme school (6 percent), Catholic (11 percent), non-Catholic religious (3 percent), nonreligious (3 percent). This was almost twice the percentage in the nation at large.

16. *Brown v. Board of Education*, 347 U.S. 483 (1954).

17. *Green v. County School Board*, 391 U.S. 430 (1968).

18. Two large districts—Boston and Montgomery County, Maryland—have controlled-choice plans operating in parts of the district. Examples of smaller and newer controlled-choice initiatives include Brockton, Massachusetts, and Lee County, Florida.

19. In addition to the home-grown model in Cambridge, the Massachusetts efforts in this area are attributable to strong support at the state level. The state’s Office of Educational Equity, directed during several key years by Charles Glenn (a major proponent of the

controlled-choice approach) played an important role in encouraging the spread of the model. Charles L. Glenn, Kahris McLaughlin, and Laura Salganik, *Parent Information for School Choice: The Case of Massachusetts* (Boston: Center on Families, Communities, Schools, and Children's Learning, 1993). Other Massachusetts examples include Boston, Chelsea, Fall River, Holyoke, Lawrence, Lowell, Northhampton, Salem, and Springfield. Along with Cambridge, these districts in 1993 enrolled more than 145,000 students.

20. Seymour Fliegel, "Parental Choice in East Harlem Schools," in Joe Nathan, ed., *Public Schools by Choice* (Minneapolis: Institute for Learning and Teaching, 1989), pp. 95–112; Seymour Fliegel, *Miracle in East Harlem: The Fight for Choice in Public Education* (Times Books, 1993).

21. Mark Schneider and others, "Institutional Arrangements and the Creation of Social Capital: The Effects of Public School Choice," *American Political Science Review*, vol. 91 (March 1997), p. 85.

22. Division of Student Services, "Summary: Number of Out-of-Boundary Students by Level and Ward" (District of Columbia Public Schools, March 23, 1993).

23. Center for Education Reform, "Choice in Action: What's Working around the Country" (<http://edreform.com/pubs/choice1.htm>), August 9, 1999.

24. John E. Coons and Stephen D. Sugarman, *Scholarships for Children* (Berkeley, Calif.: Institute of Governmental Studies, 1992).

25. Celia Rouse and M. McLaughlin, "Can the Invisible Hand Improve Education? A Review of Competition and School Efficiency" (Washington, D.C.: National Research Council, 1998).

26. *Milliken v. Bradley*, 418 U.S. 717 (1974).

27. St. Louis in 1983 adopted a substantial interdistrict plan as part of a settlement agreement that evolved out of desegregation litigation. While nominally a voluntary program, the settlement almost certainly would not have occurred without the explicit threat of judicial intervention, and its implementation was overseen by a special master appointed by the U.S. District Court. D. Bruce La Pierre, "Voluntary Interdistrict School Desegregation in St. Louis: The Special Master's Tale," *Wisconsin Law Review*, no. 6 (1987), pp. 971–1040.

28. Center for Education Reform, "Choice in Action."

29. Rouse and McLaughlin, "Can the Invisible Hand Improve Education?"

30. NCES, *Public School Choice Programs*.

31. Statement of Richard J. Wenning, director of Educational Accountability, District of Columbia Schools, to the Subcommittee on the District of Columbia, Committee on Government Reform and Oversight, U.S. House of Representatives, March 13, 1998. (<http://www.dwatch.com/schools/ps980313b.htm>), August 4, 1999. Even though many critics of the school system find this estimate unbelievably high, there are many anecdotal reports of parents in cars with out-of-state tags dropping children at District of Columbia schools. The District offers an unusually extensive array of prekindergarten and all-day kindergarten options, which are not generally available in the surrounding jurisdictions. For the 1998–99 school year, officials instituted a strict requirement for proof of residency; about 2,000 students had not complied by the deadline date. Valerie Strauss, "2,000 Pupils Fail to Prove Residency in District: Schools to Send Children Home," *Washington Post*, September 30, 1998.

32. Chartering bodies can be states, school districts, universities, or specially constituted bodies. State laws may allow the conversion to charter school status of existing public or private schools.

33. RPP International and the University of Minnesota, *A Study of Charter Schools: First Year Report, 1997* (U.S. Department of Education, 1997), p. 1.

34. Chester E. Finn and others, *Charter Schools in Action: Final Report*, vol. 1 (Washington, D.C.: Hudson Institute, 1997). See Center for Education Reform, "Choice in Action," for the 200,000 number.

35. Center for Education Reform, *The Charter School Workbook* (Washington, D.C.: 1997), p. 11.

36. See, for example, Charles Leslie Glenn Jr., *The Myth of the Common School* (University of Massachusetts Press, 1988).

37. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923).

38. *Griffin v. County School Board*, 377 U.S. 218 (1964).

39. *Norwood v. Harrison*, 413 U.S. 455 (1973).

40. *Rumyon v. McCrary*, 427 U.S. 160 (1976).

41. *Bob Jones University v. United States*, 461 U.S. 574 (1983).

42. National Center for Education Statistics, *Public and Private Schools: How Do They Differ?* (U.S. Department of Education, 1997); NCES, *Private School Universe Survey, 1995–96* (U.S. Department of Education, 1998).

43. NCES, *Private School Universe*.

44. *Committee for Public Education v. Nyquist*, 413 U.S. 756 (1973).

45. Statistics from NCES, *Private School Universe*.

46. Compare John J. Convey, *Catholic Schools Make a Difference* (National Catholic Education Association, 1992), table 3-6; Maryellen Schaub and David Baker, *Serving American Catholic Children and Youth* (Catholic University of America, Life Cycle Institute, 1993), figure 1.

47. Isabel Lyman, "Homeschooling: Back to the Future?" *Policy Analysis* (Cato Institute), no. 294 (January 7, 1998), pp. 1–20.

48. "Home School Statistics and Reports: How Many Home Schoolers Are There?" (<http://www.hslsda.org/central/statsandreports/1997>), August 9, 1999.

49. *New York Times*, February 2, 1997; *Cincinnati Enquirer*, January 18, 1998.

50. Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962).

51. *Jackson v. Benson*, 578 N.W. 2d 602 (Wis. cert denied, 119 S. Ct. 466 [1998]).

52. Dan Murphy, F. Howard Nelson, and Bella Rosenberg, *The Cleveland Voucher Program: Who Chooses? Who Gets Chosen? Who Pays?* (Washington, D.C.: American Federation of Teachers, 1997).

53. "School Voucher Program Becomes Law in Florida," *New York Times*, June 22, 1999.

54. Center for Education Reform, "Selected Education Reforms At-A-Glance," (<http://www.edreform.com/pubs/glance.html>), August 9, 1999.

55. "Partners Advancing Values in Education," (<http://www.pave.org/donors.html>), August 9, 1999.

56. Valerie J. Martinez and others, "The Consequences of School Choice: Who Leaves and Who Stays in the Inner City," *Social Science Quarterly*, vol. 76 (September 1995), pp. 485–501; R. Kenneth Godwin, Frank R. Kemerer, and Valerie J. Martinez, "Final Report: San Antonio School Choice Research Project" (University of North Texas, Center for the Study of Education Reform, 1997).

57. Anemona Hartocollis, "Private School Choice Plan Draws a Million Aid-Seekers," *New York Times*, April 21, 1999.

58. These plans do not involve public dollars and, in that sense, might appropriately be regarded as simple extensions of the traditional private school alternative. Yet it seems apparent that many of those funding and promoting these plans view them as stalking horses for public voucher plans.

59. Hamilton Lankford and James Wyckoff, "Primary and Secondary School Choice among Public and Religious Alternatives," *Economics of Education Review*, vol. 11 (1992), pp. 317–37. See also Charles F. Manski, "Education Choice (Vouchers) and Social Mobility," *Economics of Education Review*, vol. 11 (1992), pp. 351–69.

60. Gallup polls in 1996 and 1998 found that 36 percent and 38 percent, respectively, of parents then using the public schools would send their oldest child to a private school if the government paid the tuition. Another 6 to 8 percent would send the child to a different public school, leaving just over half who said they would keep the child in his or her current public school. See "The 30th Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes toward the Public Schools," (<http://www.pdkintl.org/kappan/kp9809-a.htm>), August 9, 1999.

61. See Schneider and others, "Institutional Arrangements."

62. Michael Mintrom and Sandra Vergari, "Charter School Laws across the United States: A Policy Report, 1998 Edition" (Michigan State University, Institute for Public Policy and Social Research, 1998), p. 7.