

Of Family Choice and 'Public' Education

by John E. Coons

The architect and chief proponent of California's "Initiative for Family Choice" describes the plan in some detail and claims that critic Butts has misunderstood its principles and potential.

Our critic is vague about the sins of his enemy. His indiscriminate volleys suggest that Milton Friedman conspires with Christopher Jencks, and the epithet "voucher" tells us nothing — except the critic's bias. The California Initiative for Family Choice is left undescribed, while missile after verbal missile is aimed at... what? As Tom Lehrer said, "Once the rockets are up, who knows where they come down — that's not my department." So it is with Professor Butts.

A description of the elementary facts must, therefore, be my principal object. First, however, I will dispatch missiles of my own. They will be mercifully few, as the initiative largely speaks for itself. The setting is this: In the last five years private school enrollment in California has risen from 6% to about 12% and is expected to go higher. Historically, private schools have typically been sectarian institutions populated principally by working-class and lower-income people; Catholic schools, the most common example, still enroll a higher percentage of racial minorities statewide (42%) than do the public schools (36%). However, the recent migration to private education is drawing more affluent families. The few established high-cost academies have huge waiting lists, and hundreds of new private schools are forming each year. The middle class appears to be leaving the public schools.

I say leaving the "public" schools, but there is a more precise description: Affluent families are leaving the schools that have been their exclusive enclaves. They are called Palo Alto, Beverly Hills, and Hillsborough. These schools have been essentially private except for the form of their financial support — property taxes deductible on the federal return. Parents chose them because they wanted a "light-house" district; the deed to an expensive home was their ticket of entry — the "voucher" of the upper class. Meanwhile, other parents and children took what the system decided was good for them. They took it in San Francisco or in Watts; they

liked it or they didn't — but they took it. They had no choice.

And that is what Professor Butts calls "public" education. It is a play on words, a corruption of our language; for public is the one thing such a system is not. It was and remains a profoundly elitist, exclusive, and undemocratic structure of privilege paid for by taxation — one in which the rich get choice and deductions, and the poor get sent. That the name of Thomas Jefferson should be invoked to justify this servile order is a historical gaffe. The fact that excellent scholars such as Butts perpetuate the old mythology only magnifies the temptation to despair.

Butts is correct to this extent: After a century of class segregation in education, we desperately need a public school system. And we can have it once we are willing to accord every family the trust Butts reposes in the rich. The underlying principle for a public system is Jeffersonian and very simple: Ordinary people are the best managers of their own affairs. Give them good information about schools; give them the necessary resources; give them professional counsel to help them choose. But do not force them into a school picked by administrators who have never met their child. Let them decide for themselves.

Education, we are told, should enhance the sense of community. Obviously. Do we get it by blocking the hopes of non-rich families who want something different from what the administrator thinks best? Is forced assignment a good lesson in tolerance, and do the poor perceive their schools as agents of a society that respects them? Has the present order produced good citizens? Butts describes his view of modern America in vivid terms:

I need not remind you of the mood of the 1970s stemming from a decade of Vietnam, Watergate, campus unrest, corruption in quiet places, violence and drugs in the schools, and the whole litany of troubles. The signs are all about us: cynicism and skepticism about government; alienation from public in-



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stitutions, including school administrators, bureaucracy, and militant teachers; a simplistic and self-serving complaint by big business booming with high profits about the extravagance of "big government"; the undignified scramble by politicians to echo "me too"; and now the "tax revolts" and fiscal hysteria.

He may be right, but who designed the education for these paragons?

Coercive assignment of the non-rich has created more such social problems than it has solved; community, stability, and good education are nourished not by force but by choice. Families that choose their own schools do not suffer "alienation from public institutions." To the contrary, they cherish and support them. People trust the society that trusts them.

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Their children, being linked to learning by choice, tend to feel good about their school; they participate with zest in its intellectual and social life and in the life of the society that respects their parents' decision. Such children have a better chance to learn, to succeed, and to be good citizens.

One of the parallel social goals of education is (or should be) racial integration; today it is ground under the heel of the school regime. Judges can order the integration of an urban district enrolling 30% white pupils; but, so long as the court refuses to bus across district lines or to use private schools, the judicial fiat in such cases is at best symbolic and at worst counterproductive (as is attested by last year's 30,000 white émigrés from Los Angeles public schools). If society were serious about school integration, it would insure to low-income blacks and Chicanos the same mobility enjoyed by the middle class. Minorities would be encouraged to enroll either in the public schools of other districts or in private schools. Integration could proceed beyond anything the courts will compel, and it would do so in the one way that is likely to maintain stability and to move toward a truly integrated society: freedom of choice.

The Initiative: Blending Old, New

So much for argument. We must press on to examine the mechanisms chosen to foster family choice. The details are crucial. Some forms of “vouchers” might indeed have pernicious effects — the greater the pity of Butts's generalities. The structure of the California Initiative for Family Choice is basically simple, but there are complexities. Some are peculiar to California, and not all can be covered here. The initiative begins by favoring the existing public schools with greater financial support (11%) than the new schools. (The initiative has no effect upon private schools that do not wish to participate in the new system.) Two new kinds of schools are created that are quite distinct from either the present public or private schools. These are called “independent public schools” (IPS) and “family choice schools” (FCS). Each school is an individual nonprofit corporation — public or private; once formed, schools of each type will operate under a common set of rules, except that the FCS, being privately

operated, may teach religion. When I speak of both types together here, I will call them simply “the new schools.”

The principal difference between the IPS and FCS is in the way new schools are started. Each independent public school would be created by the decision of a district school board, or of a public college or university. Various incentives would move local boards to create at least some such schools. One incentive is the relaxation of important aspects of the education code that restrict public schools; many California educators feel that state mandates about class size, teacher hiring, and curriculum get in the way of reform and good teaching.

The initiative would free the new schools from much of this heavy regulation. It would not eliminate minimum requirements — the “basics” — but it would keep the legislature from imposing any greater restrictions on curriculum, hiring, and facilities of the new schools than are imposed on private schools today. In California the regulations presently affecting the curriculum and buildings of private schools are much less restrictive than those applying to public schools; and the regulations that concern hiring in private schools are even more flexible.

Private schools and their clients have found such freedom to be good for education; it might be just as good for education in the new schools — public and private. These schools could hire people for their faculties who had not attended the traditional teachers college but were simply excellent teachers. Beyond the three Rs, these new schools could decide what to teach, and they would fully control the style of instruction. No doubt some would concentrate on the basics, some on science, some on the arts; so long as they met today's standard for private schools, they could experiment with different ways to attract and serve families. Since the new schools would be able to operate in the wide range of facilities now approved for private education, their formation and operation would be much more flexible and efficient.

The governance of the new schools could take forms as diverse as those that now flourish among nonprofit corporations in the private sector. The board of directors of a school could be composed exclusively of administrators, of teachers, of parents, of public trustees, or any combination of these. It could be run in a

tyrannical fashion by a single headmaster. Families, like professionals, have different preferences about how a school is run and who runs it; they would be free to choose the school with a style and governance that suits them.

One of the special political features of the initiative is the right of parents in a school district to petition their school board for the formation of independent public schools. If the parents of 100 children (or 30 per grade) petitioned the board for an IPS, the board would be required to honor that request, unless doing so would cause “additional cost . . . or substantial hardship to other pupils.” Since the new schools would in general be less costly, this power of petition would be no empty right. The political process would open up in a new way to the creative energies of families. It is a pity that Professor Butts overlooked this democratic device so congenial to the American tradition of local politics. Note also that the various campuses of the University of California, the state universities, and the community colleges could create a wide variety of new institutions serving the full range of family tastes. Are such schools of choice not “public”?

The “family choice schools” would also be formed as individual *nonprofit* corporations, but that decision would be made by private groups or individuals. Many of today's private schools would decide to become family choice schools, especially since they would be constitutionally protected from any new regulation of curriculum, hiring, and facilities. Like the IPS, they would operate according to rules designed to support the power of the family. Those rules regarding admissions, tuition, and information are especially important and should be described in detail.

Admissions and Pupil Protection

Under the initiative, every family would have the right to enroll its child or children in any of the new schools. Boundaries would be irrelevant, and the cost of transportation would be provided within reasonable limits of distance. The family, not the schools, would decide who is admitted, except that single-sex schools would be permitted. The school would, of course, set and control its total size, but if a school's applications exceeded its capacity a state agency would conduct a

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lottery among all of its applicants. Children would be entitled to transfer and would carry with them the pro-rated share of their educational entitlement for that year.

The open admissions rule would be tempered in one important respect. Children enrolled in the school before it joined the system would be entitled to a place, as would their siblings; it would be destructive to disrupt such existing connections. This exception concerning enrollment would be one of several devices to make the introduction of choice smooth and orderly. The system would be phased in over a period of six years. When fully in place in 1986, each of the new schools would have open enrollment every year for its beginning grade; in the higher grades, places would open up by transfers and by expansion of the school's capacity. Popular schools would presumably tend to expand or be imitated by others.

The new school could, of course, counsel its applicants; it could, for example, suggest to a family that the school's curriculum would not suit a particular child. The family might be persuaded to enroll elsewhere, or it might not. In any case, it would hold the legal right of entry and the right to fair treatment inside the school. Once enrolled, the child could not be dismissed unless he were a serious behavior problem or unable to benefit academically from the school. In either case the child would be entitled to legal protection and due process. And, for children who were properly dismissed, an appropriate education would be guaranteed; new schools would form to serve just such children. Indeed, there would now be incentive to create schools serving every form of educational need.

Financing and Tuition

The initiative would provide financial support for the traditional public schools much as it is provided today, except that all taxes would come from the state level. The use of the local property tax for schools would be eliminated, making the school portion of that tax available for other municipal services if local voters so decided.

The new schools would generate income by attracting families, each of whom would be entitled to a state certificate redeemable for the full cost of education; its value would be set at 90% of the amount spent upon a similar child in a similar public school. Thus, if the state spent \$2,000 on a normal fifth-grader in

public school in an urban area, a similar child in a new school in the same area would receive a certificate worth \$1,800. The legislature is also encouraged to make the certificates differ in amount according to the needs of special groups of children — the handicapped, the bilingual, those choosing a vocational curriculum, and so forth. Thus a school enrolling a significant number of children with special needs could be financially advantaged. The school could not charge the family extra tuition in any form. However, the legislature could permit differences in spending “so long as the right of every child to enroll in any school remains unaffected by his family's capacity to purchase education.” Thus no child could be excluded from any opportunity because of family poverty, but various kinds of additional scholarships could be issued if the legislature saw fit. For example, low-income families could be given “education stamps” redeemable for the after-school services of tutors in music, the vocations, language, or the arts.

Information About Schools

The information system that would be created by the initiative is unique and very important. The legislature would have the duty to assure that “sources independent of any school or school authority” provide adequate information to families about schools. The initiative is based upon respect for the judgment of all parents, but it recognizes that some will have “special information needs.” Many will not speak or read English well. Some will be quite unsophisticated about education, since strangers have always decided for them. To help such families raise their level of knowledge about schools, there would not only be independent public information agencies but special grants with which to purchase private counseling services. These services would be available

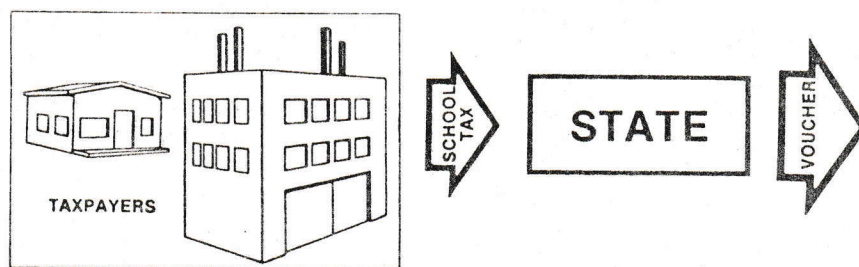
from professionals independent of any school; their self-interest would be to serve only the family. The provision of reliable information to low-income families would also become an important activity of volunteer agencies, churches, private associations, and family co-operatives.

Each new school would be required to disclose relevant information about itself, including “curriculum and teaching methods, the qualifications of its teachers, and its use of resources.” If a school gave false information to families or government agencies, the state certification necessary for it to receive and redeem certificates would be endangered. The information system would be the chief mechanism for monitoring the schools; they would be regulated by expanding consumer knowledge. Beyond the basic requirements, the state would not decide what and how the school may teach but only what it must disclose to the public, leaving it to the family to make the choice.

Costs and Shifts

The initiative would limit total statewide public spending for schools to the present level of spending adjusted for inflation. This cap would last until 1986. In 1978-79 the public schools of California spent about \$9.2 billion dollars on four million children — about \$2,300 per child. These figures do not include teachers retirement, depreciation, federal money, and other substantial items. Of course spending varies widely from place to place. Some school districts spend about \$1,000 per child; others spend \$4,000. The average cost of nonpublic schools is probably half that of similar instruction in tax-supported institutions. About 450,000 pupils attend private schools. Perhaps half to two-thirds of these existing nonpublic schools would eventually participate as family choice

HOW THE VOUCHER SYSTEM WOULD WORK



schools if the initiative became law, and an unpredictable number of new family choice schools would also be formed.

Since certificates for the new schools are set at 90% of the cost in public schools, every shift from a public school would represent a saving for the state. Nor should this 10% reduction reduce the quality of education provided; freed of the most oppressive aspects of the education code, the new schools would be able to operate more efficiently. More important, perhaps, since the system would put schools into competition for clientele, there would for the first time be an incentive for the public system itself to economize. Those schools unable to attract students would simply cease to operate. At last unwanted public institutions would have the decency to die.

This does not mean that traditional public schools would disappear. Far from it. They start with enormous advantages, including the best and most expensive buildings. In addition, they would receive more money per pupil from the state; and most of them should become stronger as they learned to respond to competition. Many families would prefer the old public schools simply because they are close and familiar or because they believe that heavily regulated education is better. In any case, if the old public schools should educate fewer pupils, they will educate them better, because their clients will be there by choice.

There would, of course, be shifts in the ways money is spent. As children moved from traditional public schools to the new schools, a great deal less would be spent upon administration of the expensive state-mandated programs and regulations. Some of these savings would be shifted to the new information programs designed to educate parents about the variety of available schools. Some savings probably would be shifted to transportation to get the children to the schools of their choice, although the cost of transportation would depend on the patterns of choice. Most of the savings in administration would simply go into instruction; this would reverse the trend of the last decade, which saw the number of teachers and pupils fall sharply while the number of administrators increased by 10%.

A word should be said about the cost of buildings. In this respect the initiative comes at a fortunate time. There is today a great surplus of buildings in public schools because of population trends and loss of pupils to private schools. This unused space provides the flexibility that is ideal for a system of choice. The initiative empowers the legislature to assist the new schools, where necessary, in creating facilities; but such help is available only where there is no appropriate space in other schools. The initiative requires all schools (except the purely private) to make excess space available for rent to other schools at cost; it thus would forbid the wasteful practice of large urban districts refusing to rent empty buildings to private schools for fear of competition.

Finally, the initiative would stimulate the modification of federal aid programs to fit the new decentralized family-based system. This would require congressional action but need not increase federal dollar commitments; Congress would simply shift the existing programs to fit the new structure. This could be accomplished by modest adjustments in the federal statutes.

Religion and Ideology

The U.S. Supreme Court has never passed judgment upon any system closely resembling the California Initiative for Family Choice. In striking down various state laws designed to aid sectarian institutions, the justices have explicitly left open the validity of a general system designed to aid all families using both public and private schools. There is every reason to think that it would be permissible for family choice schools to teach religion, if they wished to do so.

Under the initiative all schools (except the purely private) would have to observe the distinction between teaching and coercion. A curriculum with political or religious content could be required, but no profession of belief or participation in ideological ceremony could be demanded of the student. A few religious schools view this as a barrier to participation. Most of them would welcome nonbelievers under these conditions, just as they do today.

Employee Rights

Today teachers unions bargain collectively with their school districts under state law. The initiative would extend the right of collective bargaining to the new schools — public and private — but the bargaining unit for those schools would be the individual school corporation. On the one hand this extends the principle of collective bargaining; on the other it makes organizing more complex. Large and affluent teachers unions tend to prefer to bargain with one large employer rather than with many small units. It appears that some of the leadership of teachers unions will oppose the initiative because of their own institutional interests having nothing to do with the quality of education.

Individual teachers are likely to see things quite differently. Under the initiative their retirement rights and other benefits would be given protection by the legislature. More important, for the teacher who wishes to break the bonds imposed by the education code, and for those teachers who might wish to start their own family choice school, the initiative represents a great opportunity. Of course much will depend in the individual case upon the quality of the teacher. Those who have performed well could now be rewarded by their schools in ways that are presently impossible. On the other hand, those whose chief merit is seniority might be less well rewarded and encouraged to take up other lines of work.

Conclusion

There is pathos and irony in Freeman Butts's argument. It assumes that, given the chance, anyone with good sense would desert the public schools — that the system survives solely by its capacity for economic incarceration. His conclusion? Let no one escape except the rich; subdue the remaining inmates and teach them to prefer their condition. Perfect our servile institutions and spare ordinary families the painful experience of free human decision. This he perceives as the Jeffersonian ideal.

I cannot share this paradoxical view that the brightest hope for the public schools lies in their remaining benign prisons for the lower classes. Most of these schools can survive and prosper — but only if they become a free and open choice for all. The risk they run is real, but it does not lie in the increase of freedom; the enemy they should fear is their reliance upon a captive audience. It can only drive out more of the middle class. The public school will prosper under family choice; indeed, it will prosper *only* under family choice. By respecting the dignity of individuals and families of *all* income classes, this troubled institution will at last come to deserve the title to which it has so long pretended. It will at last be public. □

