

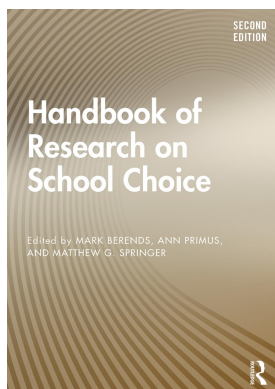
This article was downloaded by: 10.2.97.136

On: 03 Oct 2023

Access details: *subscription number*

Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



## **Handbook of Research on School Choice**

Mark Berends, Ann Primus, Matthew G. Springer

### **Critical Perspectives on School Choice**

Publication details

<https://test.routledgehandbooks.com/doi/10.4324/9781351210447-6>

Adrienne D. Dixson, Chaddrick James-Gallaway, Nancy D. Cardenas,  
Ruqayyah Perkins-Williams

**Published online on: 25 Jun 2019**

**How to cite :-** Adrienne D. Dixson, Chaddrick James-Gallaway, Nancy D. Cardenas, Ruqayyah Perkins-Williams. 25 Jun 2019, *Critical Perspectives on School Choice from: Handbook of Research on School Choice* Routledge

Accessed on: 03 Oct 2023

<https://test.routledgehandbooks.com/doi/10.4324/9781351210447-6>

**PLEASE SCROLL DOWN FOR DOCUMENT**

Full terms and conditions of use: <https://test.routledgehandbooks.com/legal-notices/terms>

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

## 6

# CRITICAL PERSPECTIVES ON SCHOOL CHOICE

## An Examination of Race, Class, and Gender in School Choice Policies

*Adrienne D. Dixson, Chaddrick James-Gallaway, Nancy D. Cardenas,  
and Ruqayyah Perkins-Williams*

No educational issue in the contemporary era is more polarizing and contentious than the broad set of policies that comprise “school choice.” To some, school choice provides opportunities for families to have more control over where their children go to school. Vouchers, charter schools, and—in traditional public school systems—magnet and selective admission schools are among the “choices” that families with school-age children have at their disposal. To others, school choice represents the destruction of democratic education as it relates to magnet and selective admissions schools, and the weakening of the public infrastructure as it relates to school vouchers and charter schools. While American public education has been in a constant cycle of reform since the dawning of the common school movement in the 1830s, finding the “best” way to educate all children regardless of race, class, gender identity, family structure, linguistic background, and physical and mental ability, to name just a few demographic factors, has been, to a certain extent, elusive.

For scholars who take a critical perspective on education in general, school choice policies are logical consequences of the sociopolitical milieu of the United States since its inception. That is, to critical scholars, the nation is premised on notions of competition and individualism, built by exploiting native peoples and dispossessing them of their land, the chattel slavery and decades of disenfranchising African Americans, and the denial of citizenship to imported laborers. As such, education policies that then draw on a logic of competition on one hand and bootstrap rhetoric on the other reflect a fundamental ideology that education is the purview of an elite few who have the resources to pay for it. Moreover, critical scholars view education as not only a reflection of social and national milieus that normalize exploitation and oppression, but as a system that often exacerbates the stratification of its citizens along a host of markers, namely race, gender, and class. From this perspective we examine school choice in this chapter.

School choice encompasses a range of practices and policies. Here we will examine three forms: 1) charter schools and 2) vouchers, both of which disrupt the public infrastructure by diverting funds from a traditional school system with an elected board to private and pseudo-public entities that manage public funds; and 3) magnet schools, traditional public schools that were designed in response to White resistance to school desegregation. We choose these three in large part because, at various times in our recent history, they have been quite contentious in their own right. While in many urban districts magnet schools have leveled out as a choice and reform strategy for public

school systems (Goldring & Swain, 2019), charter schools and vouchers have remained lightning rods for people on both sides of the issues.

It is important to note that we view our chapter as an update to Amy Stuart Wells' chapter on social context and school choice published in the first edition of this handbook (Wells, 2009). Wells' findings relative to the shortcomings of charter school reform, and its role in exacerbating racial inequality in public education, are fairly stable ten years after the publication of her chapter. Indeed, at that time, only four years had passed since the devastation of Hurricane Katrina set in motion a transformation of public education in New Orleans that has since served as a template for charter public school systems in a number of states across the country. Although this chapter will focus on charter schools on a broad scale, we will reference, when relevant, what we have learned from the "New Orleans-style" education reform since 2005.

Additionally, our examination of school choice draws on critical race theory (CRT) as an analytical lens with a particular focus on qualitative research on school choice. Our decision to review primarily the qualitative research is important in large part because much of the quantitative research that supports school choice policies has narrowly focused on test scores and high school graduation rates—gold standards for the neoliberal ideology that has informed education policy since the 1980s. Although both measures offer insight into the work of schools and school systems, we find that they are easily manipulated and corrupted by the ideology of competition and individualism (Education Research Alliance, 2019), and they fail to reflect what communities, families, and students actually value about public education and its potential.

Historically for communities of color, education has been a vehicle for liberation from racial oppression, as well as a means for economic mobility. For African Americans in particular, Black teachers and principals once made up a significant segment of the Black middle class. But in New Orleans, for example, the expansion of charter schools that operate under what is now known as the "portfolio model" of public education, a hybrid governance configuration that includes both charter and traditional public schools, has also ushered in the displacement of Black educators and school leaders in favor of White, younger, and under-prepared teachers who are often transplants to the urban communities in which they work. Thus, in our view, research that relies heavily on quantitative analyses, which make claims about the effectiveness of school choice based on minor test score gains and inflated high school graduation rates, fails to capture the loss of community and cohesion that accompanies a temporary education workforce in this era of school choice and education.

### Critical Race Theory and Education

Critical race theory (CRT) is a theoretical and analytical framework that has its origins in legal scholarship (Crenshaw, Gotanda, Peller, & Thomas, 1996). As a response to the limits of critical legal theory (CLT), which argued that American *juris prudence* reinforced class inequity, CRT scholars found that a purely class analysis failed to account for persistent racial inequity in the criminal justice system, employment law, and education, despite the enactment of Civil Rights and anti-discrimination legislation (Crenshaw et al., 1996). Derrick Bell, who is considered the "founder" of CRT, argued that the concepts of race and the ideology and practice of racism are permanent fixtures in the U.S. (Bell, 1992a). This notion that racism is permanent is a fundamental element of CRT scholarship.

CRT scholars value and center the perspectives, stories, and experiences that people of color have had with racism in the U.S. (Matsuda, 1987; Delgado, 1989; Bell, 1992a; Lawrence, 1992; Calmore, 1995). Using first-person accounts, counter-stories, and narratives, CRT scholars speak back to mainstream narratives that cast racial disparities discrimination as natural consequences of a set of systems and practices that are meritocratic and race-neutral. Moreover, the use of first-person

accounts, counter-stories, and narratives makes racism real, rather than some abstract, disembodied ideology. That is, the voices of people of color reveal how racism impacts their lived experiences in material ways.

CRT scholars use seven constructs to analyze racism in U.S. society (Dixson & Rousseau Anderson, 2017): 1) Whiteness as property; 2) restrictive versus expansive views of equality; 3) intersectionality; 4) interest-convergence; 5) racial realism; 6) voice/counter story; and 7) critique of liberalism and colorblindness. Despite CRT scholars' view that racism is permanent, we engage in our work to effect social change.

In 1995, Ladson-Billings and Tate argued that race was under-theorized in education, maintaining that CRT could help to explain the persistent racial inequity in education. Despite the promise of multicultural education (MCE), the scholars held that MCE had devolved into "trivial examples and artifacts of cultures such as eating ethnic or cultural foods, singing songs or dancing, reading folktales, and other less than scholarly pursuits" (p. 61) and had failed to be both transformative or make schools socially just.

Similar to CRT in the legal scholarship, Ladson-Billings and Tate (1995) offered three central arguments for how scholars in education might engage a more robust racial analysis in education research:

1. Race continues to be a significant factor in determining inequity in the U.S.
2. U.S. society is based on property rights.
3. The intersection of race and property creates an analytic tool through which we can understand social (and, consequently, school) inequity (p. 48).

With these propositions, and the use of first-person accounts, counter-story, and narrative, Ladson-Billings and Tate helped to launch CRT and education as a significant intervention in examining racial inequity in education (Dixson & Rousseau, 2005).

For this chapter, we draw on CRT as an analytical lens through which we examine school choice. We seek to use CRT more broadly, epistemologically, if you will, to engage in our examination, rather than deploy a particular CRT construct. In this way, we believe that no single construct can capture, or fully describe, the expansiveness of racial inequity that is fundamental to the implementation of school choice policies. However, it is our view that racial inequity manifests in school choice in the way that Derrick Bell (1992b) describes racial realism:

Black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than temporary "peaks of progress," short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to-accept fact that all history verifies. We must acknowledge it and move on to adopt policies based on what I call: "Racial Realism." This mind-set or philosophy requires us to acknowledge the permanence of our subordinate status. That acknowledgement enables us to avoid despair and frees us to imagine and implement racial strategies that can bring fulfillment and even triumph. (p. 374)

School choice policies will never radically transform public education and eradicate racial disparities in both access and outcomes. A system of education that is premised nearly solely on problematic notions of merit, but that denies the unfair advantages that result from inequitable (and in some instances unconstitutional) school funding policies, school enrollment and admissions policies based on standardized test scores, and finally, the quality of education and educators based primarily on test scores, necessitates that we "imagine and implement racial strategies that can bring fulfillment and even triumph" (Bell, 1992b, p. 374).

## Charter Schools

More than 60 years have passed since the 1954 landmark decision of *Brown v. Board of Education*, and the issue of educational equity for historically underserved students remains as critical today as it did then (Heilig, Holme, LeClair, Redd, & Ward, 2016). With federal and state support of school choice, states have moved to increase educational opportunities through the establishment of charter schools that have greater autonomy from governmental regulations. Charter schools originated in the early 1990s and quickly expanded across the country. Their emergence and increased presence has been one of the most significant components of public school choice during the last decade (Frankenberg, Siegel-Hawley, & Wang, 2011). With billions of dollars in funding and support from the government, philanthropic and venture capital organizations, and universities, there are now approximately 7,000 charter schools enrolling about 3 million students (Scott, 2009; Frankenberg et al., 2011; Heilig et al., 2016; Archibald, Hurwitz, & Hurwitz, 2018; National Center for Education Statistics [NCES], 2018).

Despite rising interests, charter schools are facing controversy from educational and community leaders for practices ranging from teacher hiring to student discipline. Although charter school advocates argue that charter schools can increase academic achievement through competition between schools and through their specialized programs, research has shown that charter schools often do not outperform traditional public schools and, in some cases, have caused more devastation than traditional public schools (Zimmer & Buddin, 2007; Levy, 2010; Frankenberg, 2011; Frankenberg et al., 2011; Barret & Harris, 2015; Berends, 2015; Dixson, Buras & Jeffers, 2015; Archibald et al., 2018). They have been criticized for their higher rates of segregated learning environments and inadequate academic opportunities for students of color (Barret & Harris, 2015; Dixson et al., 2015; Archibald et al., 2018). According to researchers, charter schools have not only experienced higher rates of racial, class, language, and ability segregation, but they have exacerbated these trends within cities across the U.S. (Frankenberg et al., 2011; Frankenberg & Orfield, 2012; Epple, Romano, & Zimmer, 2015; Heilig et al., 2016; Archibald et al., 2018). It is important to note that Chingos (2013) found that charter school enrollment did not conclusively increase racial segregation.

### *Segregation by Race*

Today, our schools are more segregated than they were before the civil rights era. More specifically, racial and social segregation between and within public schools has been consistently increasing (Orfield, 2009; Frankenberg, 2011; Archibald et al., 2018). From 2000 to 2016, the number of K–12 public schools that had 75 percent to 100 percent of poor Black or Latinx students increased from 9 percent to 16 percent. With the rapid expansion of charter schools, racial segregation has also increased. Diversity in charter schools tends to disappear when compared to the surrounding traditional public schools. Charter schools either disproportionately enroll more White students or high concentrations of students of color (Heilig et al., 2016). For example, Epple et al. (2015) reported that about 41 percent of charter schools, compared to about 22 percent of traditional public schools, served more than 80 percent of non-White students. In addition, Frankenberg and Orfield (2012) found that 70 percent of Black students in charter schools attended highly segregated charter schools composed of 90 percent to 100 percent non-White students. In comparison to charter schools, traditional public schools show a lower percentage of students of color attending predominately non-White schools, with about 36 percent Black students enrolled in these schools. Therefore, more students of color are attending highly segregated charter schools when compared to students in traditional public schools.

Frankenberg et al. (2011) also found that charter schools were more racially isolated when compared to traditional public schools in nearly every state, especially in urban cities. In 15 states, their study found that Black students were twice as likely as their Black peers in traditional public schools

to be educated in intensely segregated schools with less than a tenth of Whites. By comparison, 50 percent of Latinx students in charter schools attended schools with 90 percent or more students of color in 2007–2008. When looking at White students, only one-fifth attended charter schools that were primarily non-White (Frankenberg & Orfield, 2012). This was most prevalent in the West and in the South, where White segregation was higher in charter schools. In other locations, such as in the Minneapolis, St. Paul metro area, similar results were observed. Researchers found that many of the White, segregated charters used sorting mechanisms, including interviews, volunteer requirements for parents, and disciplinary policies, to selectively enroll applicants (Institute on Race and Poverty, 2008).

Louisiana stands as another example. In that state, there are six types of charter schools:

- Type 1: New schools that the local school board authorized (30 schools);
- Type 2: New or conversion schools that the Board of Elementary and Secondary Education (BESE) authorized (42 schools);
- Type 3: Conversion schools that the local school board authorized (13 schools);
- Type 3B: Former Type 5 charter school transferred from the Recovery School District (RSD) back to the local school system (14 schools);
- Type 4: New or conversion schools that the local school board and BESE authorized (1 school);
- Type 5: RSD schools that BESE authorized (46 schools). (Louisiana Department of Education, 2017)

In a study of education reform in post-Katrina New Orleans, Dixon (2011) found that parents and former administrators complained about what they saw as a three-tiered system of education in the making. Prior to the enrollment process that included a common application, the OneApp, for all of the city's charter schools, admissions decisions were not transparent, thus leading to the perception that charters were cream-skimming. Selective admissions charter schools, or "conversion charters," tended to have more White students than charter schools that had been chartered as Type 1 or Type 5. Many of the participants in Dixon's study predicted that charter schools in New Orleans would become deeply segregated by race. In some ways, their complaints and predictions were warranted.

A policy brief for the Education Research Alliance (ERA) (Bell-Weixler, Barrett, Harris, & Jennings, 2017) found that schools in New Orleans were racially segregated pre-Katrina, that they are still racially segregated, and that low-income students and Latinx students have experienced "increased isolation" by group (p. 5). The ERA brief also found that post-Katrina reforms have had no impact on segregation "for a majority of groups" (p. 6), or on undoing racialized educational inequity. One would assume this includes eradicating racial segregation, which was a major argument for the drastic, wholesale, and expedient education reforms in New Orleans in 2005. Thus, the claim that essentially schools are as segregated as they were before Katrina—and therefore we cannot look to education reform as a cause of racial segregation post-Katrina—is a sleight of hand move by education reformers, researchers, and research organizations. These entities have essentially become the paid apologists for reforms that replicate and reinforce the existing and historical "educational White supremacy." Thus, though in its conclusion the ERA brief suggests that "choice-based systems offer distinctive possibilities" (p. 6), we find that both the possibilities and the processes are laden with obstacles for parents/caregivers, students, and even teachers, to realize and obtain transformative education.

### ***Segregation by Social Class, Language, and Ability***

Evidence from studies has also illustrated that charter schools are strongly associated with heightened economic, language, and ability segregation. In 2015, the number of students attending high poverty schools (i.e., more than 75 percent of students qualify for free and reduced-price lunch) was



33 percent for charter schools and 24 percent at traditional public schools (NCES, 2018). Frankenberg et al. (2011) had similar results, finding that schools were separating students not only by race, but also by class. For schools with a majority of minority students, 39 percent of traditional public school students received free or reduced-price lunches compared to 58 percent of students in charter schools. This can be explained by the fact that a majority of charter schools are located in high need, urban districts, with predominantly low-income groups (Heilig et al., 2016).

Since the creation of charter schools, urban areas have seen charter schools multiply compared to the suburbs. In the 2010 census, 43 percent of large urban areas were predominantly non-White, had higher poverty rates, and experienced an increase of 80 percent non-native speakers from a decade earlier. A 2017 study of charter school enrollment found that that in 34 U.S. cities, more than 25 percent of their public school students were enrolled in charter schools (David, Hesla, & Pendergrass, 2017). Heilig et al. (2016) conducted a study in Texas that found that charter schools at the local level were less likely to enroll “high needs” children. Instead, those who were considered low-income, English language learners, and special needs were over-enrolled in the nearby public schools. In addition, a 2016 report from the American Civil Liberties Union of Southern California (Leung & Alejandre, 2016) found that about 253 charter schools in California were denying enrollment and expelling students who did not have/maintain strong grades or test scores, did not meet/maintain a minimum level of English proficiency, did not provide a social security number for themselves and their parents, and whose parents could not donate money or volunteer at the school. School choice in these cases does not give everyone the opportunity to obtain equal access to a quality education. Instead, it gives charter schools the power to choose their students based on characteristics that will affect their funding and performance on standardized tests.

### ***Funding Inequities***

What makes school segregation problematic is not segregation itself, but segregation that is tied to an inequitable distribution of resources between and among public schools. Such inequities can leave some children, such as low-income and children of color, with an inferior education. Although researchers and charter school promoters (Wolf, Maloney, May, & DeAngelis, 2017) have reported that charter schools receive less funding when compared to traditional public schools, these discrepancies, while interesting, are misleading. For example, for large, national charter management organizations (CMOs), state funding is not as crucial to overall operation and operating budgets. CMOs have more sophisticated and vast finance structures that include state per-pupil funds, philanthropic donations, venture capital investment, and a more robust development and fundraising strategy than smaller, “mom and pop” charters, which tend to be founded and run by local citizens.

Traditional public school districts, however, have had historically less success with diversifying their finance structures to include philanthropic donations—with the exception of Bill and Melinda Gates Foundation’s Small Schools initiative—and fundraising on the scale of CMOs. Moreover, traditional public school districts tend to rely exclusively on public funding to operate. In this sense, then, while there are discrepancies in public funding for charters versus traditional public schools, charter schools enjoy much broader financial support among a wealthy cadre of philanthropists who promote private sector control over public institutions (Scott, 2009; Buras, 2014). Taken in total, the funding differences that exist between charter and traditional public schools are relative to the distribution of public funds and the proportion of students each school type serves. What appears to be inequitable is the diverse pool of financial support that charters have relative to traditional public schools.

Charter schools’ reporting of subsidies from private and philanthropic organizations/individuals, fundraising, and student-and-parent fees, as well as their inability to provide accurate and complete

financial data on school expenditures, have caused them increased opposition. This lack of transparency has led many to question how much money these schools are actually receiving and how they are spending it. Although some states require that charter schools submit an annual financial report, there are no legal mechanisms in place to monitor all revenue coming in and going out (e.g., Arizona State Board for Charter Schools [ASBCS], 2017; Washington D.C. Public Charter School Board [D.C. PCSB], 2016). As part of their annual report, some charter schools are required to provide a general breakdown on how they used funding from the state, federal grants, and other entities, but they are not required to provide any details on operations-related funding, such as for staff, students, and supplies (e.g., ASBCS, 2017; D.C. PCSB, 2016). The discrepancy in regulations and restrictions in monitoring and reporting in different states, have led to charter schools in Arizona, one of the states with the fewest regulations and restrictions for charter schools, committing fraud and misusing funding (see ASBCS, 2017).

### Vouchers

According to Mead (2015), public education is distinguished by more than using public finances for education, but by promoting “public purpose, public access, public accountability to communities, and public curriculum” (p. 743). Publicly funded voucher programs were established in the U.S. to provide financial support for parents to enroll their children in private schools. Over time they have evolved into multiple sects: programs that use public monies to pay for private school tuition; those that use corporate money from tax credits to create scholarships that subsidize private school tuition; and those that place public education funds into taxpayer savings accounts intended for educational expenses, including private school tuition (Eckes & Mead, 2016). Currently, 25 states and the District of Columbia have at least one form of a voucher program (Education Commission of the States, 2015; Eckes & Mead, 2016).

Vouchers have existed in the U.S. since the 1860s. They have been framed as an equitable school choice practice that seeks to eliminate educational inequalities across race and class (Eckes, Mead, & Ulm, 2016; see also Chapter 5 in this volume). Forman (2007) found that voucher supporters have used the concept of racial justice and connected it to the fight for civil rights because vouchers allow racial minorities and low-income White students the opportunity to attend strong academic K–12 schools. According to Scott (2013), White elites have used civil rights rhetoric to focus on individuals rather than the larger systemic oppression in education. Voucher programs, however, cannot undo social or racial injustice by only targeting the individual needs of students and their families (Scott, 2013; Eckes et al., 2016). We argue that if voucher advocates aimed instead to serve the collective community, rather than individuals who are fortunate enough to obtain a voucher, systemic educational inequality would be significantly reduced. Given the limited scale and dollar amount associated with vouchers relative to the populations who would be eligible to receive them, we view vouchers as an untenable strategy to address long-standing and deeply entrenched educational inequity.

The rhetoric in favor of vouchers since 2000 mimics the anti-desegregation sentiment of the 1950s and 1960s. During those years, some states tried to use voucher legislation to stop desegregation in public schools. In 1964, the Supreme Court ruled in *Griffin v. Prince Edward County* that it is not constitutional to use vouchers to mitigate the *Brown v. Board of Education* decision to desegregate public schools (Eckes & Mead, 2016). The nature of the *Griffin* case sets the context for race and school vouchers. School vouchers have been historically used in the U.S. to uphold racist Jim Crow segregation; indeed, such programs are rooted in race, racism, and the oppression of people of color. In public opinion polls, respondents are opposed to vouchers (PDK/Gallup, 2013; Eckes et al., 2016). Public school teachers and their unions have also been vocal opponents, actively challenging voucher programs’ costs and implementation. Previous research has highlighted multiple problems



with vouchers and equity (Eckes et al., 2016). These problems go beyond ensuring that parents understand and have access to voucher information: They allow private schools to award admission only to students they view as a good fit, have the potential to undo the desegregating potential of *Brown v. Board of Education*, and exacerbate racial stratification (O'Brien, 1997; Howell & Peterson, 2002; d'Entremont & Huerta, 2007).

### ***Discrimination by Race***

The majority of voucher programs maintain that measures will be taken to ensure that racial discrimination is not present. According to Eckes et al. (2016), four states (Maine, Mississippi, Nevada, and Vermont) have chosen to exclude explicit provisions about racial discrimination. The states that have included such provisions intend to showcase that racial discrimination is not happening in their private schools. The gesture highlights that their voucher programs are in line with *Brown v. Board of Education* and desegregation. It is notable, however, that researchers have found that the majority of students who enter voucher programs are Black (Cowen, Fleming, Witte, & Wolf, 2012). Moreover, they often do not stay in the well-resourced private school they selected and return back to public schools (Gooden, Jabbar & Torres, 2016). More research is warranted to better understand this phenomenon. We surmise that racism and an infrastructure within the private schools that perpetuates racial discrimination and racial microaggressions (DeCuir & Dixson, 2004) are potential factors in why these Black students are choosing to return to public schools.

In accordance with Title VI, discrimination of race, nation of origin, and non-native speakers of English is prohibited in any entity or activity that receives federal funding. Students who are not English-proficient receive federal funds to pay for English language courses. Private schools do not receive federal funds, so they are not required to provide such courses. However, because states receive federal dollars, states must ensure that English language classes are offered (Eckes et al., 2016). Thus, if a non-English-speaking student uses a voucher at a private school, the quality of said voucher may not be the same as that used by a student who speaks English fluently in terms of the additional supports that public schools are mandated to provide by law.

### ***Discrimination by Ability Status***

Students with exceptionalities—academic, social, mental, or physical—run into comparable problems (Eckes et al., 2016). The Individuals with Disabilities Education Act, Section 504, and the Americans with Disabilities Act require that public schools serve all students with exceptionalities. Private schools, on the other hand, are under no federal regulation to do so (Bon, Decker, & Strassfeld, 2016), so shortfalls are present in under-resourced schools in terms of vouchers. Although these programs are seen as an important factor in helping students who live in poverty obtain access to high-quality education, private schools cannot accept all such students who come from under-resourced public schools (Hourigan, 2014). This, again, is a problem of scale. We find that this process of funding, which many describe as neoliberalism (Harvey, 2005), is another example of institutionalizing racialized educational inequity.

Another important concern that vouchers raise is about the *quality* of special education services that students with exceptionalities will receive. If under-resourced public schools are being drained due to students leaving for voucher programs, so too are schools' resources for special education services (Hourigan, 2014). Which then raises the question: Will voucher programs and private institutions provide students with exceptionalities with proper education support, or will students with exceptionalities be left out of these programs and institutions altogether? Hammel and Fischer (2014) found that private charter schools in New Orleans have set their own admission policies to

favor general education students who are academically strong. Despite a settlement with the Southern Poverty Law Center over a lawsuit brought on behalf of families of children with special needs against the Orleans Parish School Board and the BESE, these practices can lead to discrimination and segregation against students with exceptionalities who are then funneled into under-resourced schools.

Hensel (2010) found that many schools that accepted vouchers demonstrated a number of potential violations to special education protections that are mandated in public schools, that is, “lack of specialized education, limited teacher qualifications, lack of accountability, loss of legal protection and parental satisfaction” (pp. 322–334). Thus, in schools that take vouchers, students with exceptionalities are not guaranteed individualized or specialized instruction. Teachers may not be equipped to teach students with various exceptional needs. And there are no measures for accountability. Voucher students with exceptionalities therefore lose their rights as a legally protected population. Although parents of students with exceptionalities have been satisfied with their child’s academic progress, research has shown that when these students return to public schools they are multiple grade levels behind (Hensel, 2010).

### **Magnet Schools**

Magnet schools have a long and unique history in the choice movement. Similar to the initiatives mentioned above, magnet schools arose out of the need to provide equitable education for students of color. Unlike charter schools and voucher programs, the explicit purpose of the earlier magnet programs was to end racial isolation and create racial balance in school districts (Goldring & Swain, 2019). Faced with the mandate to end school segregation, school districts tried several strategies, including busing, redistricting, and mandating attendance to opposite-race schools. Magnet schools were seen as the least aggressive method to promote desegregation, as participation was mostly voluntary (Frankenberg et al., 2011). By offering unique, high-quality, curricula within public schools, district leaders hoped to draw students from a variety of neighborhoods and backgrounds to create balance across schools.

The first magnet school opened in 1968 in Tacoma, Washington. Soon after, states like Minnesota, Massachusetts, Ohio, and New York also used magnet schools to voluntarily desegregate schools. Most notably, the principal of the first magnet school in Houston, Texas used the term to describe how the unique, themed curricular offerings worked as a magnet, drawing students from varied racial, ethnic, and socioeconomic backgrounds (Goldring & Smrekar, 2000). As a result of the success in Texas, many school districts tried to emulate the earliest magnet school programs. While findings of the magnet school impact on achievement are mixed, magnets remain a popular educational choice for both school districts and families. According to the U.S. Department of Education, since 2008, magnet schools have experienced an 8.7 percent increase in the number of schools across the country, and a 13.1 percent increase in enrollment, serving 2.6 million students nation-wide (National Center for Education Statistics, 2016).

The literature on magnet schools over the last ten years covers a range of topics. These include the magnet school effect on student achievement (Judson, 2014; Wang, Schweig, & Herman, 2017; Berends & Waddington, 2018; see also Chapter 20 in this volume), college-going rates (Lee, Weis, Liu, & Kang, 2017), racial issues such as desegregation (Davis, 2014; Smrekar & Honey, 2015; Ayscue, Siegel-Hawley, Kucsera, & Woodward, 2018), magnet schools in the Latinx community (Cuero, Worthy, & Rodriguez-Galindo, 2009; Gandara, 2010; Haynes, Phillips, & Goldring, 2010), and the effectiveness of various educational approaches, such as STEM-based models (Judson, 2014; Sikma & Osborne, 2014; Stein, Ostrander, & Lee, 2016) or Montessori (Debs, 2016; Brown & Lewis, 2017). (For more on magnet schools, see Section IV of this volume.)

## ***Segregation by Race***

Magnet schools are generally less racially segregated than other forms of school choice due to their explicit desegregation goals. Frankenberg et al. (2011) found that Black students tended to be less racially segregated in magnet schools than in charter schools, which was attributed to free transportation, the use of non-competitive admissions, and the use of the whole school magnet model.

Additionally, federal funding such as the Magnet Schools Assistance Program (MSAP) was tied to eliminating and reducing segregation. This focus began to shift for several reasons. During the 1980s, magnet schools were pushed to deemphasize desegregating school districts (Frankenberg et al., 2011; Ayscue et al., 2018). Next, as districts began to achieve unitary status, the emphasis on ending racial isolation lessened as race-based quotas were declared illegal (Goldring & Swain, 2019). Furthermore, the proliferation of charter schools in urban school districts moved the focus of some magnet schools away from desegregation to improving academic outcomes and closing racial achievement gaps (Pack, 2017). However, some critics argue that the desegregation goals were impractical, and racial balance could not be achieved through magnet schools.

Although magnet schools have had the unique position of being a solution that remedied segregation, they have proved to be insufficient in this regard. Rossell (2017) has argued that achieving racial diversity through magnet programs is difficult for a few reasons. First, fluctuations in the racial compositions of school districts and the overall decline of White students in public school districts leave some with not enough White students to achieve racial diversity. White families are refusing to participate in magnet programs located in majority Black areas, despite the offering of the programs, with the exception of special admissions programs. Next, the indices that school districts use to define and quantify racial diversity, both absolute and relative, are limited by the conceptualization of race as a binary, thereby ignoring the multiplicity of ethnicities that may exist in a school district. For example, Haynes et al. (2010) argued that Latino students were underrepresented in magnet school enrollments, reflecting a policy context concerned with diversity in terms of the Black–White binary. Finally, the presence of magnet schools has tended to increase racial segregation in non-magnet schools in the district due to top-achieving students leaving neighborhood schools to attend the magnet schools (Rossell, 2017; see also Chapter 19 in this volume for more on segregation within schools).

## **Conclusion**

In this chapter we have examined school choice across three domains: charter schools, vouchers and magnet schools. Our view of school choice questions its value and that of the larger education reform apparatus, specifically in terms of racial equity. We find that these choice options, despite rhetoric by education reform advocates, have done little to eradicate racial segregation, improve access to high-quality education for students of color, students with special needs and White students who live in poverty, and equalize school funding and other educational resources.

Some researchers argue that the reforms have done little to impact districts that were racially segregated before the implementation of school choice policies, such as in New Orleans (ERA, 2019). However, we reject those arguments and find that they obfuscate the contradictory nature of education reform and choice rhetoric. That is, these researchers often justify school choice and education reform as providing educational equality for students who are marginalized. Yet, the research that we critique in this chapter is not compelling enough to justify the vast implementation of their policies, nor the shifting of public resources to entities that function as private organizations, such as CMOs.

We find that the equivocation of research advocates who claim that, under the reforms, segregation by achievement declined (e.g., ERA, 2019) is problematic, and emblematic of the way that

racial inequity and hegemonic control of the education of students of color in urban districts is normalized and maintained. That is, given that education reformers use the rhetoric of racial equity and the Civil Rights Movement as its premise for targeting urban school districts, eliminating racial segregation should be its primary focus. Thus, our overall perspective on school choice is that, taken as a whole, it should instead be renamed, “school’s choice”; even in districts where charter schools and vouchers are options available to families, families leverage very little choice other than the one to complete and submit an application (Dixson, 2011). Even the “choices” of charters and vouchers are, we find, choices of questionable quality.

In addition, for those choice options that may be higher quality and better-resourced, the scale is so limited that districts, through a lottery, end up creating a system made up of winners and losers. We find this untenable and incompatible with the spirit and intent of democracy and democratic education. It is our hope that as a broad field of education, we will embrace and find substantive, meaningful, and equitable ways to implement one aspect of education reform rhetoric: innovation. Invoking Derrick Bell (1992b) again, we hope that we can begin to think of innovation as not only being related to technology, but also being bold enough to create schools and opportunities that “frees us to imagine and implement racial strategies that can bring fulfillment and even triumph” (p. 374).

## References

- Archibald, D., Hurwitz, A., & Hurwitz, F. (2018). Charter schools, parent choice, and segregation: A longitudinal study of the growth of charters and changing enrollment patterns in five school districts over 26 years. *Education Policy Analysis Archives*, 26(21/22), 1–39.
- Arizona State Board for Charter Schools. (2017). *Financial performance framework and guidance*. Phoenix, AZ: Arizona State Board for Charter Schools. Retrieved from <https://asbcs.az.gov/sites/default/files/documents/files/Financial%20Guidance%20Document%20Approved%2010–2017.pdf>
- Ayscue, J.B., Siegel-Hawley, G., Kucsera, J., & Woodward, B. (2018). School segregation and resegregation in Charlotte and Raleigh, 1989–2010. *Educational Policy*, 32(1), 3–54.
- Barret, N., & Harris, D. (2015). Significant changes in the New Orleans teacher workforce. Policy Brief. Education Research Alliance for New Orleans. Retrieved from <http://educationresearchalliancenola.org/files/publications/ERA-Policy-Brief-Changes-in-the-New-Orleans-Teacher-Workforce.pdf>
- Bell, D. (1992a). *Faces at the bottom of the well: The permanence of racism*. New York, NY: Basic Books.
- Bell, D. (1992b). Racial realism. *Connecticut Law Review*, 24(2), 363–379.
- Bell-Weixler, L., Barrett, N., Harris, D.N., & Jennings, J. (2017). *Did the New Orleans school reforms increase segregation?* (Policy Brief). New Orleans, LA: Education Research Alliance for New Orleans. Retrieved from <https://educationresearchalliancenola.org/files/publications/040417-Bell-Weixler-Barrett-Harris-Jennings-Did-The-New-Orleans-School-Reforms-Increase-Segregation.pdf>
- Berends, M. (2015). Sociology and school choice: What we know after two decades of charter schools. *Annual Review of Sociology*, 41(15), 159–180. Retrieved from <http://www.annualreviews.org/doi/pdf/10.1146/annurev-soc-073014-112340>
- Berends, M., & Waddington, R.J. (2018). School choice in Indianapolis: Effects of charter, magnet, private, and traditional public schools. *Education Finance and Policy*, 13(2), 227–255.
- Bon, S.C., Decker, J.R., & Strassfeld, N. (2016) Special education voucher programs, reflective judgment, and future legislative recommendations. *Peabody Journal of Education*, 91(4), 503–521. Retrieved from <https://doi.org/10.1080/0161956X.2016.1207444>
- Brown, K. & Lewis, C.W. (2017). A comparison of reading and math achievement for African American third grade students in Montessori and other magnet schools. *Journal of Negro Education*, 86(4), 439–448.
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Buras, K.L. (2014). *Charter schools, race, and urban space: Where the market meets grassroots resistance*. New York, NY: Routledge.
- Calmore, J. (1995). Critical race theory, Archie Shepp, and fire music: Securing an authentic intellectual life in a multicultural world. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that formed the movement* (pp. 315–329). New York, NY: New Press.
- Chingos, M. (2013). *Does expanding school choice increase segregation?* Washington, D.C.: Brookings Institute.

- Cowen, J.M., Fleming, D.J., Witte, J.F., & Wolf, P.J. (2012). Going public: Who leaves a large, longstanding, and widely available urban voucher program? *American Educational Research Association*, 49(2), 231–256.
- Crenshaw, K., Gotanda, N., Peller, G., & Thomas, K. (Eds.). (1996). *Critical race theory: The key writings that formed the movement*. New York, NY: New Press.
- Cuero, K.K., Worthy, J., & Rodriguez-Galindo, A. (2009). Middle school choices for bilingual Latino/a youth: When the magnet school represents “status” and the neighborhood school represents “solidarity.” *Urban Review: Issues and Ideas in Public Education*, 41(3), 251–268.
- David, R., Hesla, K., & Pendergrass, S.A. (2017). *A growing movement: America’s largest charter school communities*. Washington, D.C.: National Alliance for Public Charter Schools. Retrieved from <http://bit.ly/2Iuz8Tf>
- Davis, T.M. (2014). School Choice and segregation: “Tracking” racial equity in magnet schools. *Education and Urban Society*, 46(4), 399–433.
- Debs, M.C. (2016). Racial and economic diversity in U.S. public Montessori schools. *Journal of Montessori Research*, 2(2), 15–34.
- DeCuir, J.T., & Dixson, A.D. (2004). “So when it comes out, they aren’t surprised that it is there”: Using critical race theory as a tool of analysis of race and racism in education. *Educational Researcher*, 33(5), 26–31.
- Delgado, R. (1989). Storytelling for oppositionists and others: A plea for narrative. *Michigan Law Review*, 87, 2411–2441.
- d’Entremont, C., & Huerta, L.A. (2007). Irreconcilable differences? Education vouchers and the suburban response. *Educational Policy*, 21(1), 40–72.
- Dixson, A.D. (2011). Whose choice? A critical race perspective on charter schools. In C. Johnson, & C. Russell (Eds.), *Neoliberal deluge: Hurricane Katrina, late capitalism, and the remaking of New Orleans* (pp. 130–151). Minneapolis, MN: University of Minnesota Press.
- Dixson, A.D., Buras, K.L., & Jeffers, E.K. (2015). The color of reform: Race, education reform, and charter schools in post-Katrina New Orleans. *Qualitative Inquiry*, 21(3), 288–299.
- Dixson, A.D., & Rousseau, C.K. (2005). And we are still not saved: Critical race theory in education ten years later. *Race Ethnicity and Education*, 8(1), 7–27. Retrieved from <http://dx.doi.org/10.1080/1361332052000340971>
- Dixson, A.D., & Rousseau Anderson, C.K. (2017). And we are STILL not saved: 20 years of CRT and education. In A.D. Dixson, C.K. Rousseau Anderson, & J.K. Donnor (Eds.), *Critical race theory and education: All God’s children got a song* (2nd ed.). New York, NY: Routledge.
- Eckes, S.E., & Mead, J.F. (2016). The legal and policy issues of vouchers: Multiple perspectives on private school choice. *Peabody Journal of Education*, 91(4), 421–423. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/0161956X.2016.1207430>
- Eckes, S.E., Mead, J.F., & Ulm, J. (2016). Dollars to discriminate: The (un)intended consequences of school vouchers. *Peabody Journal of Education*, 91(4), 537–558. Retrieved from <https://doi.org/10.1080/0161956X.2016.1207446>
- Education Commission of the States. (2015). State legislation: Choice. Retrieved from <https://www.ecs.org/state-legislation-reports-on-choice/>
- Education Research Alliance for New Orleans (2019). *Key conclusions*. New Orleans, LA: ERA. Retrieved from <https://educationresearchalliancenola.org/key-conclusions>
- Epple, D., Romano, R., & Zimmer, R. (2015). *Charter schools: A survey of research on their characteristics and effectiveness* (Working Paper 21256). Washington, D.C.: National Bureau of Economic Research.
- Forman, J., Jr. (2007). The rise and fall of school vouchers: A story of religion, race, and politics. *UCLA Law Review*, 54(3), 547–604.
- Frankenberg, E. (2011). Charter schools: A civil rights mirage? *Kappa Delta Pi Record*, 47(3), 100–105.
- Frankenberg, E., Siegel-Hawley, G., & Wang, J. (2011). Choice without equity: Charter school segregation. *Education Policy Analysis Archives*, 19(1), 96.
- Frankenberg, E., & Orfield, G. (2012). *The resegregation of suburban schools: A hidden crisis in American education*. Cambridge, MA: Harvard University Press.
- Harvey, D. (2005). *A brief history of neoliberalism*. Oxford: Oxford University Press.
- Gandara, P. (2010). The Latino education crisis. *Educational Leadership*, 67(5), 24–30.
- Goldring, E.B. & Swain, W.A. (2020). Perspectives on magnet schools. In M. Berends, A. Primus, & M.G. Springer (Eds.), *Handbook of research on school choice* (2nd ed., Ch. 18). New York, NY: Routledge.
- Goldring, E.B., & Smrekar, C. (2000). Magnet schools and the pursuit of racial balance. *Education and Urban Society*, 33(1), 17–35.
- Gooden, M.A., Jabbar, H. & Torres, M.S. Jr. (2016). Race and school vouchers: Legal, historical, and political contexts. *Peabody Journal of Education*, 91(4), 522–536. Retrieved from <https://doi.org/10.1080/0161956X.2016.1207445>
- Griffin v. Prince Edward County 377 US 218 (1964).



- Hammel, A., & Fischer, K. (2014). "It's not easy being green": Charter schools, the arts, and students with diverse needs. *Arts Education Policy Review*, 115(2), 44–51. Retrieved from <https://doi.org/10.1080/10632913.2014.883895>
- Haynes, K.T., Phillips, K.J. R., & Goldring, E.B. (2010). Latino parents' choice of magnet school: How school choice differs across racial and ethnic boundaries. *Education and Urban Society*, 42(6), 758–789.
- Heilig, J.V., Holme, J.J., LeClair, A.V., Redd, L.D., & Ward, D. (2016). Separate and unequal? The problematic segregation of special populations in charter schools relative to traditional public schools. *Stanford Law & Policy Review*, 27(2), 251–293.
- Hensel, W.F. (2010). Vouchers for students with disabilities: The future of special education? *Journal of Law & Education*, 39(3), 291–349. Retrieved from [https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=2670&context=faculty\\_pub](https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=2670&context=faculty_pub)
- Hourigan, R. (2014). Intersections between school reform, the arts, and special education: The children left behind. *Arts Education Policy Review*, 115(2), 35–38. Retrieved from <https://doi.org/10.1080/10632913.2014.883892>
- Howell, W.G., & Peterson, P.E. (2002). *The education gap: Vouchers and urban schools*. Washington, DC: The Brookings Institution.
- Institute on Race & Poverty. (2008). *Failed promises: Assessing charter schools in the Twin Cities*. Minneapolis, MN: Institute on Race & Poverty.
- Judson, E. (2014). Effects of transferring to STEM-focused charter and magnet schools on student achievement. *The Journal of Educational Research*, 107(4), 255–266.
- Ladson-Billings, G. & Tate, W.F. (1995) Toward a critical race theory of education. *Teachers College Record*, 97(1), 47–68.
- Lawrence, C. (1992). The word and the river: Pedagogy as scholarship as struggle. *Southern California Law Review*, 65, 2231–2298.
- Lee, J., Weis, L., Liu, K., & Kang, C. (2017). Which type of high school maximizes students' college match? Unequal pathways to postsecondary destinations for students from varying high school settings. *Journal of Higher Education*, 88(4), 529.
- Leung, V., & Alejandre, R. (2016). *Unequal Access: How some California charter schools illegally restrict enrollment*. Los Angeles, CA: American Civil Liberties Union of Southern California. Retrieved from [https://www.aclusocal.org/sites/default/files/field\\_documents/report-unequal-access-080116.pdf](https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf)
- Levy, T. (2010). Charter schools' legislation and the element of race. *Western Journal of Black Studies*, 34(1), 43–52.
- Louisiana Department of Education (2017). *Louisiana charter schools at-a-glance*. Retrieved from <https://www.louisianabelieves.com/schools/charter-schools>
- Matsuda, M.J. (1987). Looking to the bottom: Critical legal studies and reparations. *Harvard Civil Rights-Civil Liberties Law Review*, 22(2), 323–400.
- Mead, J.F. (2015). The right to an education or the right to shop for schooling: Examining voucher programs in relation to state constitutional guarantees. *Fordham Urban Law Journal*, 42(3), 703–743.
- National Center for Education Statistics. (2016). *Digest of Education Statistics, 2016* Washington, D.C.: U.S. Department of Education. Retrieved from [https://nces.ed.gov/programs/digest/d16/tables/dt16\\_216.20.asp](https://nces.ed.gov/programs/digest/d16/tables/dt16_216.20.asp)
- National Center for Education Statistics (NCES). (2018). *Public charter school enrollment*. Washington, D.C.: U.S. Department of Education. Retrieved from: [https://nces.ed.gov/programs/coe/indicator\\_cgb.asp](https://nces.ed.gov/programs/coe/indicator_cgb.asp)
- O'Brien, M.T. (1997). Private school tuition vouchers and the realities of racial politics. *Tennessee Law Review*, 64(2), 359–407.
- Orfield, G. (2009). *Reviving the goal of an integrated society: A 21st century challenge*. Los Angeles, CA: Civil Rights Project/Proyecto Derechos Civiles.
- Pack, G. (2017). The case for magnet schools. In R.A. Fox & N.K. Buchanan (Eds.), *The Wiley handbook of school choice* (pp. 180–193). Malden, MA: John Wiley & Sons.
- PDK/Gallup. (2013). *The 2013 PDK/Gallup poll on public schools* (Survey report). Retrieved from <http://pdkintl.org/blogs/change-agents/the-2013-pdkgallup-poll-on-public-schools/>
- Rossell, C.H. (2017). The case against magnet schools. In R.A. Fox & N.K. Buchanan (Eds.), *The Wiley handbook of school choice* (pp. 194–214). Malden, MA: John Wiley & Sons.
- Scott, J.T. (2009). The politics of venture philanthropy in charter school policy and advocacy. *Educational Policy*, 23(1), 106–136.
- Scott, J.T. (2013). A Rosa Parks moment? School choice and the marketization of civil rights. *Critical Studies in Education*, 54(1), 5–18. Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/17508487.2013.739570>
- Sikma, L., & Osborne, M. (2014). Conflicts in developing an elementary STEM magnet school. *Theory Into Practice*, 53(1), 4–10.



- Smrekar, C., & Honey, N. (2015). The desegregation aims and demographic contexts of magnet schools: How parents choose and why siting policies matter. *Peabody Journal of Education, 90*(1), 128–155.
- Stein, D., Ostrander, P., & Lee, G.M. (2016). Montgomery Blair science, mathematics and computer science magnet program: A successful model for meeting the needs of highly able STEM learners. *Gifted Child Today, 39*(4), 209–219.
- Wang, J., Schweig, J.D., & Herman, J.L. (2017). Is there a magnet-school effect? A multisite study of MSAP-funded magnet schools. *Journal of Education for Students Placed at Risk, 22*(2), 77–99.
- Washington, D.C. Public Charter School Board (2016). *2015 Financial audit review*. Retrieved from <https://www.dpcsb.org/2015-financial-audit-review>
- Wells, A.S. (2009). The social context of charter schools: The changing nature of poverty and what it means for American education. In M. Berends, M.G. Springer, D. Ballou, & H.J. Walberg (Eds.) *Handbook of research on school choice* (1st ed., pp. 155–178). New York, NY: Taylor & Francis Group.
- Wolf, P.J., Maloney, L.D., May, J.F., & DeAngelis, C.A. (2017). *Charter school funding: Inequity in the city*. Fayetteville, AK: School Choice Demonstration Project. Retrieved from <https://www.uaedreform.org/charter-school-funding-inequity-in-the-city/>
- Zimmer, R., & Buddin, R. (2007). Getting inside the black box: examining how the operation of charter schools affects performance. *Peabody Journal of Education, 82*(2–3), 231–273.