



Vive la Difference: What It Means for State Boards to Embrace Two Models for Public Education

Having two systems for delivering public education requires boards to define two state accountability systems.

by **Andy Smarick**

Chartering differs fundamentally from the district-based model of public education delivery that is still dominant in every state. Most conspicuously, chartering casts government in a role different from the one it has played for the last century. Instead of creating government bodies that directly operate all of an area's public schools, the state approves entities that authorize and oversee schools run by nonprofit organizations. Accordingly,

members might find it useful to take a fresh, expansive look at the principles underlying this alternative model and how it fits into the broader statewide system of K-12 education.

The new federal K-12 law, the Every Student Succeeds Act (ESSA), may be the perfect opportunity for state boards to bring to life a vibrant two-track approach. As board members are crafting their state's new accountability system under

ESSA, they should probably resist the impulse to create a streamlined, “unified” approach. If the state has embraced two delivery models based on different organizing principles and theories of action, the state accountability system should reflect that.

With Great Responsibility, Great Authority

State constitutions put state governments on the hook for public education. The state government has the ultimate obligation to ensure that all boys and girls are offered successful public schools. For about a hundred years, state governments delegated these activities to districts. This course was sensible for lots of reasons: It recognized the state government’s limited capacity, it enabled localities to control how their kids were educated, and it respected the different histories and priorities of the state’s many communities.

But the legal and constitutional duty remained at the state level; state leaders could hand off execution of the task but not the responsibility for its success. This is why high-profile K-12 litigation has the state government as the defendant. When plaintiffs believe their local schools are unfairly funded or are producing inequitable results, they make their case in the state capital.

But along with that obligation comes great authority. Courts have given states’ political leaders a wide berth when it comes to the “how” of fulfilling their responsibilities. While the district model prevails for most students and schools, it is by no means the only arrow in the state’s quiver. Legislatures can typically develop state-run schools, craft interdistrict enrollment programs, create voucher and tuition tax credit initiatives, and use other nontraditional delivery mechanisms. All of these approaches must square with state and federal rules, but once they do, they are legitimate policies at the state’s disposal. In short, the state government can determine how best to create a system of primary and secondary education—and that’s why chartering has been a legal, evolving, and growing part of the K-12 policy environment for 25 years.

Steering, Not Rowing

The distinction between government as provider and government as regulator was explained (and cheered) by the 1992 book *Reinventing Government*.¹ The idea is that when the government wants to go somewhere, it doesn’t always need to row; it can steer. It can set the direction but empower others to carry out the work.

A wide array of governmental functions—social services, health care, and transportation—have gravitated toward this approach. For the charter sector, the authorizers, which are charged with enabling nonstate bodies to operate charter schools, animate this approach to governing. Authorizers do not direct the day-to-day activities of the schools they oversee. Instead, they run an application process for prospective school founders, monitor schools’ performance, allow the expansion of successful schools, and close failing schools.

Instead of feeling the need to choose between the district model and the charter model, state board members could instead simply recognize that both are permissible, rational ways for the state to carry out its responsibilities. Each has benefits that should be understood and appreciated. Such a perspective could better inform state boards’ decisions and turn down the heat on what has, in too many locations, become a boiling ideological fight between partisans of chartering and traditional districts. But this also requires appreciating the differences between the two models and developing expectations and policies accordingly.

The district-based approach is orderly and efficient, and it aims at equity. The central administrative body can control all personnel decisions, negotiate contracts, set rules on curriculum and schedules, and much more. It can assign all kids to schools based on their home addresses, run all bus routes, and own all facilities. It can aspire to provide a similar educational environment to every single child in its area. And with an elected governing board, the district has democratic legitimacy, reflecting the will of the community’s majority.

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American pluralism and places faith in the capacity of civil society's voluntary associations to build social capital. It focuses on outcomes more than inputs, and it trusts families and communities to make wiser decisions than central administrators can. It fosters social entrepreneurialism and allows the decisions of parents, neighborhoods, and educators to drive the evolution of their schools.

Governing in a Two-Model World

It would certainly make the state board member's life a whole lot easier if the two models were completely aligned. But in truth, they are not. More challenging, sometimes the features of the two models are incompatible. For example, either there is a single government provider of schools or there is not. Either kids are assigned to schools based on where they live or families can exercise choice. There is no way to avoid the resulting tensions, which will reveal themselves in a whole host of areas: funding, facilities, transportation, school offerings, and regulatory burdens.

Yet there are ways of getting the most out of both approaches simultaneously. Doing so will require state board members to accept that the mind-set that applies to one might not always fit the other. Since most of us grew up in and are acclimated to the contours and underpinnings of the district model, it is worth focusing on a few of the changes in perspective that chartering necessitates.

The first relates to school differentiation. In the district model, schools need to be similar to one another in important ways. Because there is just one operator and because kids are assigned to schools, each school must be able to serve all the students in its catchment zone. Since the district central office simply cannot continuously adjust every feature of each school it runs to match the changing needs and interests of its students, a great deal of standardization is required. The district paradigm tends to value school commonality. And most important for our purposes here, state board members consequently tend to think in terms of, "What is the right answer?" Since schools are alike in this model, policy must often come up with a single answer—the answer that does the most amount

of good for the most number of kids and adults.

What follows from this perspective is an understandable state-board focus on compliance. We must ensure that districts and schools faithfully implement the state's mandates and follow the state's rules. So the state's department of education assiduously tracks whether schools and districts are complying with various rules, and the board receives a bevy of monitoring reports and program audits.

This is not a criticism of state education agency staff or members of state boards; it is an unavoidable consequence of the model. Because of the state's adoption of the district model, families are limited to one public school operator; and because of the district's assignment-based system, families are limited to one public school. Families without the financial means to choose a private school or move to another district have no power of "exit."

Chartering starts from a different place. It assumes no single "right" mode and allows a wide variety of nonprofits to run schools. It allows those schools to differ from one another in significant ways. It allows families to choose from among these schools based on their assessment of what is in the best interests of their child.

In numerous ways, the state board member can feel chastened by chartering. Charters will have statutorily protected freedom from many of the rules state board members have decided are best. Charters will be created in response to perceived deficiencies in the district-run schools that many board members believe to be excellent. Families will choose charters that state board members might never choose for their own kids. As such, chartering delivers a dose of humility to government leaders: It hands power to parents, communities, and educators—power that had long resided in districts and the state.

There will always be the temptation for state boards to try to recapture some of this power. This might include trying to reapply standardized rules to charters or opposing the creation of new charters. It might take the form of giving districts more authority over charters or forcing charters to file more district-like state reports. Such actions could be defended in the name of performance ("the state knows what's best")

or tidiness (“it doesn’t make sense to have two different models”).

But such temptations should be kept at bay. These inclinations stem from a district-model mind-set. They unarguably fit well with districts and district-run schools. But since chartering is premised on pluralism, operator diversity, school diversity, and parental choice, such inclinations undermine what this model aspires to bring to public education.

An alternative mind-set might instead amplify the effects of chartering’s principles. For instance, state board members could seek to enable varied groups to start schools, prioritize the development of different types of schools, and facilitate families’ acquisition of school information (to help parents choose). All such strategies would be counterproductive in a single-provider context and therefore outside of the century-old state-board playbook. But chartering is essentially a new game.

The second change in perspective relates to outcomes. In the district model, the state regulates a whole host of inputs: teacher licensure, textbooks, curriculum, professional development, class size, length of school day and year, course access, discipline, attendance, nonclassroom-based staff. But chartering is designed to be outcomes-based; via its authorizers, the state is meant to set performance expectations and then set schools free.

With chartering, the state must stay out of the business of inputs, but it must zero in on outcomes. In other words, state board members should be clear about what school success looks like. Historically, states have focused on a limited set of narrow outcome measures (like reading and math scores and graduation rates) both because they were readily available and because the state could change district behavior through rules governing inputs.

But if the state’s only influence is exercised by setting results, those explicit outcomes become critical. Set the wrong ones, and charter behavior will be warped. Set too few, and charters will not focus on all of the things policymakers want. Set too many, and charters will not have the operational freedom to do innovative things. This perspective on charters strongly suggests at least two important activities for

boards: spending much more time discussing what exactly we want charters to accomplish and ensuring that the state’s charter authorizers are up to their job. Said simply, what do we want charters to do, and how do we make sure that they do it?

That is a fundamental question for a state accountability system to answer, but its provisions will differ depending on the model under which a school operates.

For instance, when district-run schools are found to be persistently underperforming, it makes sense for the state’s approach to intervention to focus first on closely monitoring a range of district activities and, in the case of ongoing failure, on a spate of state mandates. This kind of traditional, directive approach is suited to the district’s single-operator, school-assignment model.

But state accountability-system provisions tailored to chartering might focus on whether there actually are a diversity of operators and a diversity of schools in the sector. It might ask whether families have access to the information needed to make choices and whether families believe the available options match their preferences.

Similarly, since outcomes are of such singular importance in the charter sector, the accountability system should almost certainly pay close attention to charter authorizers. Are they prioritizing the right results? Are they preserving school-level freedom? Are they supporting parental choice?

Perhaps in the years to come, state policymakers will find a way to unify their state’s K-12 system and integrate the best features of both models. But for the time being, most states have a system with two distinct sectors. Rather than forcing a single ideology or set of policies to fit both, state board members might more fruitfully embrace a “vive la difference” mentality. We can best serve kids and schools by appreciating, honoring, and adjusting to the particular characteristics of each. ■

¹David Osbourne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector* (Boston: Addison-Wesley, 1992).

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