

# ***SCHOOL CHOICE OR SCHOOL ASSIGNMENT: WHAT DIFFERENCE DOES IT MAKE?***

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In his article “The role of (school) choice in the promotion of healthy learning communities” in this issue of the *Journal of Character Education*, James Shuls explores whether parents’ ability to choose a child’s school is more effective in enhancing a healthy school culture, fostering positive relationships, and producing ethical learning communities than is the child’s assignment to a school on the basis of residence. Although most choice programs involve charters or vouchers, Shuls does not restrict his analysis to those programs but considers any type of choice program including intradistrict and interdistrict public school choice programs, magnet school programs, and any other program that enables the parent and/or student to select their school.

In essence, Shuls suggests that families’ shared commitment to a school’s philosophy, mission, or instructional approach inherently has a better likelihood of engendering a positive school community, although there is no guarantee that choice will have that result. Other factors may intervene to undermine the advantage that choice purportedly offers.

On the other hand, Shuls argues that traditional residential assignment of students creates systemic hurdles for the establishment of a positive school culture because of the lack of clarity and unity around the school’s mission and because of the student body’s diversity of interests and learning needs. He notes that residence-based schools can work to overcome these hurdles but must take significant steps to achieve the level of shared commitment and positive school culture that are more easily attained in a school of choice. He states that parents at residence-based schools “lack power or authority over their child’s education” and that the governance and human resource policies within school districts are almost insurmountable challenges to developing that shared commitment. He concludes that, “If schools are most effective in promoting virtue and character development when they are healthy communities and if a shared commitment is foundational for a healthy learning community, then it seems apparent that a system that enables families to choose the school

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that shares their commitments would be more advantageous.”

### **FRAMING THE QUESTION**

In theory, and abstracted from the reality of how school choice programs function and the historical and political context in which they operate, Shuls’ words sound like a simple and justifiable conclusion. However, choosing a school is not akin to choosing a flavor of ice cream that will be consumed by only one child. Rather, it is a policy choice that can have significant social and political impact extending to many children.

There is no evidence or assessment that can either confirm or disprove Shuls’ conclusion. Given that he cites a 2019 Phi Delta Kappan poll in which over half of the parents choose academic preparation as the main goal of education, perhaps the best comparative data may be found in the multiple evaluations of the academic performance of charter schools vs. public schools. These studies show no significant difference in the academic outcomes of residence-based public schools as compared with the charter schools that draw students from the same neighborhoods. This is the case in spite of charter schools having the benefit of parental or student choice and often the advantage of being able to select their student body—or at least to deny enrollment to students who have disabilities, who are English language learners, or who present behavior issues, as well as other individuals whom the public schools cannot exclude (Burris, 2023; Fitzpatrick, 2023; Hale, 2021). If choice makes little difference in academic performance, it may also be the case that choice makes little difference in school culture or character development. Because private schools that accept vouchers don’t have to comply with state and federal level accountability measures, including the release of data on student outcomes and trend lines for comparable populations, it’s impossible to evalu-

ate with reasonable accuracy whether they are more or less effective in enhancing academic performance or school culture.

Shuls presents a theoretically logical argument in support of the impact of choice on the health of school culture. Yet that argument is both incomplete and misleading, particularly because it separates the issue of choice from the profound implications of its social, historical, and political context. Public education was founded and funded on the principle of ensuring that the public citizenry would become sufficiently educated to make well-reasoned decisions that would sustain democratic governance. The tax dollars that fund public education today—dollars that now flow in substantial amounts to charter schools directly and to private schools through state-legislated voucher programs and tax credits—were not intended for private purposes of personal satisfaction, but for the larger social purpose of sustaining a democratic form of government.

Shuls says that the question he is “addressing is whether one system”—residence-based or choice—is more likely to produce an environment where a school’s stakeholders will form shared commitments.” I disagree with the point of that premise. The choice option is based upon selecting a school that best mirrors the family’s pre-existing commitments, not forming new ones. Therefore, the key question is whether personal choice of school settings, as Shuls frames it, serves to create inclusive environments that build on and strengthen the diversity of our country—or does school choice promote exclusive environments that exacerbate divisiveness among the people of our nation? Further, I maintain that residence-based schools can and do foster Berkowitz’s “shared commitment,” but that work entails helping students to actually *form* those commitments through being exposed to different perspectives, learning to defend or re-evaluate their own perspectives, and growing together in appreciation of America’s commitment to inclusivity.

## **A GROUNDING IN CHOICE**

It is only fair at this point to share my own frame of reference. School choice is an issue I have both studied and experienced as the superintendent of four diverse districts in three states across 28 school years. I know firsthand that choice is a coin with more than two sides and that what it buys depends on who controls the purse strings—and what their intentions are.

For example, when Massachusetts school reform law opened school districts to inter-district choice, I saw how savvy parents residing in less affluent communities enrolled their children in more affluent public school districts. Later, the Massachusetts Association of School Superintendents (Charter School Task Force, 2005) found that the state's charter schools were more segregated, accepted fewer English language learners and students with disabilities, and returned students with discipline issues to their public school districts, all while siphoning resources from the public school districts.

In Louisville, Kentucky, I inherited a school district that had a strong and elaborate intra-district choice system which served to desegregate schools through regional choices and magnet schools. Here, choice was used to retain middle-class White parents within an urban and diverse environment, and it thereby fostered one of the most integrated school districts in the nation.

In Oregon, the charter laws avoided the divisiveness seen in other states by requiring charters to be approved by the local school board and to be funded at levels that did not seriously compromise the public school district budget. The Eugene School District that I led approved charters for Montessori and Waldorf programs, providing positive choices for a small number of parents who wanted to pursue those educational approaches.

Finally, I have long advocated for and implemented character education and social-emotional learning programs, and I am cognizant of the programs and processes that

enable schools to build community and create a healthy school culture (Berman, 2023). From that experience, I understand how choice can serve a larger public purpose, but I also recognize the historical and political context of choice that in most cases undermines the democratic mission of public education. In fact, the reference to “choice” as a civil right and personal benefit that should be publicly funded in a democratic society is, as I see it, an appealing obfuscation and diversion from its actual impact. Much like the “parents’ rights” movement that has sought to impose the perspective of a minority of parents on the banning of books, the policies related to gender identity, and the teaching of race and racial history, the choice movement offers an attractive opportunity for a minority while diminishing that opportunity for the majority of students who remain in the public school system (Ravitch, 2020). And much like the extremist parents’ rights movement, the long-term result, if fully implemented, would be the undermining of democracy (Berman & Brown, 2024).

## **COMPROMISING PLURALISM**

With that personal disclosure as background, let's take a closer look at Shuls' argument. American democracy has long placed a priority on pluralism, and Shuls argues that school choice is based on the principles of pluralism, choice, and free association. However, he fails to acknowledge that those phrases harken back to the terminology used to fight efforts to desegregate schools in the 1950s and 1960s (Fitzpatrick, 2023).

When choice is structured through publicly funded charter schools and voucher programs, choice may very well undermine those principles in a democratic society. The reality of school choice is that in many cases it creates more segregated, exclusive, and narrowly focused schools (Mommadi & Welner, 2021) that are antithetical to the principles of pluralism, increase intolerance, and promote sectarianism. When parents are able to

choose charter schools that have strong political biases—such as the Hillsdale charters that present a conservative, political curriculum—or to use vouchers to place their children in private schools that have a strong religious orientation, it only serves to indoctrinate students in particular political or religious beliefs, escalating divisiveness and sectarianism. This indoctrination—under the guise of “shared commitment”—imperils the key role of public schools, which is to bring together the diversity of our citizenry so that we can support the development of a sense of democratic community in spite of our differences.

Allow me to clarify here that I have no objection to private schools, religious or otherwise, that operate without the use of tax dollars. If parents wish to pay tuition to a private school, that is indeed their choice. What is contrary to democratic values is the separation of students into schools that espouse a particular doctrine or philosophy coupled with the expectation that public funds will help pay for it.

In his book *The Choice We Face: How Segregation, Race, and Power Have Shaped America's Most Controversial Education Reform Movement*, Jon Hale (2021) provides a detailed study of the historical and political context of school choice and reports on the exclusionary nature of charter schools.

Studies like those from KIPP and charter school associations confirm the suspicions of many skeptics who charge that school choice does not provide equal access. Students who require specialized instruction—including bilingual instruction or differentiated instruction for emotional or behavioral needs—need more one-on-one time with qualified teachers, individualized education plans with a team of educators and social workers, and other resources, including alternative and more costly forms of assessment, among others, all of which are difficult to provide in any financially strapped school. By excluding and pushing out such students, selective schools can bolster their test scores.

Any way one cuts the statistical cake, racism remains baked into our educational system.

As in the early era of the freedom of choice plans in the 1960s, the vast majority of disadvantaged students remain stranded in an inherently unequal system. (p. 188)

As expressed in *The Call to Courage: Standing Up and Speaking Out Against the Assaults on Democracy, Educators, and Students in America's Schools* (Berman & Brown, 2024):

A democratic and pluralistic society requires that individuals honor and respect differences and identities and beliefs, endorse the pursuit of truth through examination of factual evidence, and participate in open dialogue to resolve issues of difference. Education in the democratic society must support the development of these attitudes, skills, and values in young people. (p. 23)

Schools in a democratic society must be inclusive of difference and provide multiple perspectives on issues, thereby enabling students to develop independent, thoughtful, and evidence-based judgments. Schools in a democratic society must, of necessity and by definition, be anti-indoctrination and unrelated to particular political or religious orientations. They must welcome all students, independent of ability, disability, family income, race, ethnicity, gender orientation, or national origin. Residence-based assigned schools bring together the diversity that already exists in the community and serve to enhance that sense of community.

In contrast, charter schools, and particularly private schools, are often exclusive in their enrollment and retention practices. Private schools have no requirement to accept all students and can be as selective as they wish in their admission decisions. Although some states require charter schools to accept all applicants, many charters exclude individuals with significant disabilities, English language learners, and students who experience behavioral issues. As Gordon Lafer (2018) stated in “Breaking Point: The Cost of Charter Schools for Public School Districts”:

Beyond the net costs of the charter system, charter schools also function to sort and sub-

divide the student population in ways that harm students in traditional public schools. While charter schools are required by law [in California] to accept any student who applies, in reality they exercise recruitment, admission, and expulsion policies that often screen out the students who would be the neediest and most expensive to serve, who then turn to district schools. As a result, traditional public schools end up with the highest-need students but without the resources to serve them. (p. 15)

While the issues around exclusivity in charter schools, private schools, and vouchers are clear (Boser et al., 2018), it is important to recognize that residence-based schools can also have elements of exclusivity as a result of existing residential segregation by race, ethnicity, and income. The efforts of districts such as the Jefferson County Public Schools in Louisville to integrate schools and enlarge the sense of community from the neighborhood to the multiplicity of neighborhoods within the city or county were beneficial and admirable uses of school choice. Although over the past two decades most of those efforts have been compromised or abandoned, some curriculum-focused magnet schools of choice continue to draw from the diversity of the community and serve a positive public purpose.

Exclusivity may make it easier to create community, as in a religious institution one attends or a club one joins or a charter or private school one selects. However, these exclusive associations are not mandated to serve the larger public purpose of educating children to live within a diverse society that must find agreement among differences. They are not held to a standard of what is best for the common good. Meeting that standard necessitates creating an inclusive environment that honors and supports difference. That is the essence of our traditional national motto “E pluribus unum”—out of many, one.

## ***SCHOOL MISSION, IDENTITY, AND GOVERNANCE***

Shuls points to survey data of parents to suggest that they don't have confidence in or agreement with the purposes of public schooling and that this finding undermines the ability of schools and districts where choice isn't present to establish that sense of common purpose among its constituents. In fact, nearly all public schools and school districts have publicly available mission and vision statements, usually crafted with direct input from parents, and they continually share those statements to build and strengthen parents' understanding and consensus around that mission. Given the proliferation of character education and social-emotional learning programs—according to CASEL's research surveys, 76 percent of principals reported their schools used an SEL curriculum in 2021–22 (Schwartz et al., 2022)—most residence-based schools appear to be making significant concrete efforts to foster the positive and healthy school culture that Shuls values for its ability to develop individuals of character.

Shuls asks, “What is it that forms the identity of the school?” and suggests that for residence-based schools it is nothing more than the name of the school or town, the mascot, or the football team that draws people together. This hypothesis misses entirely the collective nature of living in a democratic society that provides institutional spaces for the community to educate their children, discuss and resolve issues of purpose and policy, and provide for the common good of the community's children. The residential nature of schools inherently stems from and builds upon the existing community and serves to enhance that community. Accordingly, a residence-based school may exude a greater shared commitment than does a school of choice in which private and personal preferences take on a more significant role than the common good. Shuls does point out that, in spite of the systemic obstacles confronting residence-based schools, leaders in those schools can work diligently to shape a

school's identity and can successfully cultivate buy-in. I would suggest that many work to achieve that.

In addition, unlike public schools where parents have direct input into the governance of the school district through democratically elected boards and public board meetings, most charter and private schools are governed by for-profit educational management companies, charter authorizers, or self-selected boards—all of which seek little public or parental input. Although a choice school may have a core mission that aligns with a parent's interest, the parent body typically has little voice in school policies and direction. It's often a take-it-or-leave-it relationship. As Shuls points out, "A system of choice allows for schools to put a stake in the ground as to the school's identity. The identity then . . . may be baked into the institutional culture." In essence, a parent can choose based on that school's identity but may have no influence in ensuring the school lives up to that identity or responds to changing needs and interests. While public school governance sometimes moves slowly in making changes, it is generally responsive to the demands of the community and the needs and desires of its students and constituents. Given their private governance, such may or may not be the case with charter or private schools. The organizational structures of charters and private schools may present different systemic obstacles from those of public schools, but they are apt to be equally complex.

### **HISTORICAL AND POLITICAL CONTEXT**

This brings us to the core problem with choice as framed by Shuls' analysis, which is that he deals in the abstract and removes choice from its historical and political context. For example, his analysis assumes that either method of assignment—choice or residence-based—is "of no cost to the parents." That assumption is wildly fallacious. Charter and voucher programs create dramatic and consequential re-

source issues for residence-based schools. Jon Hale's (2021) in-depth study of the history and impact of school choice found the following:

Largely funded through the same property taxes and state funds as traditional public schools, schools of choice siphon off scarce resources, talented teachers, and other forms of capital. Poor communities and students of color make up the majority of the public school system and are often relegated to schools that are forced into extreme parsimony through budget cuts and staffed with fewer experienced teachers. (p. 13)

As Diane Ravitch (2020) so succinctly puts it, "It makes no sense to provide 'choice' for a small minority of students while harming the quality of education available to the vast majority" (p.199).

What is particularly troubling is that Shuls' analysis takes choice out of its historical context as a response to racial integration. As Hale (2021) reports:

Race and racist policy after *Brown* have shaped the emergence of school choice and are inextricably linked to its contemporary manifestation. Segregationists used vouchers along with an ideology of choice that fundamentally shaped what we mean by "choice" today. Vouchers and calls for subsidized private education fell into the hands of influential segregationists after *Brown*. This is not to say that everyone who discussed vouchers in the 1950s was racist. However, to ignore the determining role of race and the politics of massive resistance or to claim that the origins of choice are not racist—as so many have done and continue to do—is to conceal problematic and paradoxical development of school choice over time . . .

School choice is more than mere policy. It is more than vouchers and charter schools. School choice is an ideology and a way of thinking about public schools. It is an idea that fermented during desegregation in the 1950s and is grounded in the politics of massive resistance. School choice—in particular "freedom of choice" plans—gained popularity as a way to avoid racially desegregated

schools . . . . Today, using choice does not make one racist. But it is grounded in a racist history and racist policy. (pp. 4–5)

Choice provides an off-ramp for those parents who have the means and motivation to consider that option, drawing attention away from the root causes of poverty and inequality. Praising choice for producing better test scores, more defined school identity, or healthier culture “masks the racist origins of school choice since the 1950s while perpetuating the racism behind it” (Hale, 2021, p. 4).

### **THE DEMOCRATIC PURPOSES OF SCHOOLING**

Many parents, even those who can afford private schools or schools of choice, enroll their children in public schools and residence-based schools in part because they believe in the importance of a strong public education system for sustaining the vitality of their community and the long-term viability of a democratic society. Choice is not simply a personal educational decision; it’s a political decision that involves the provision of public goods and resources even as it addresses important public purposes.

In 2016, a measure to expand school choice in Massachusetts was on the ballot. Jonathan Kozol, writing in an opinion article in *The Boston Globe* to urge a no vote on the measure, said:

Slice it any way you want. Argue, as we must, that every family ought to have the right to make whatever choice they like in the interests of their child, no matter what damage it may do to other people’s children. As an individual decision, it’s absolutely human; but setting up this kind of competition, in which parents with the greatest social capital are encouraged to abandon their most vulnerable neighbors, is rotten social policy. What this represents is a state-supported shriveling of civic virtue, a narrowing of moral obligation to the smallest possible parameters. It isn’t good for Massachusetts, and it’s not good for

democracy. (As reported in Ravitch, 2020, p. 205)

The criteria for judging whether choice or residential assignment is better for developing a healthy school culture should be set within the broader social, historical, and political context of the purposes that culture serves. The judgment should not be based on the narrow criterion of one’s self-interest, but on whether that culture promotes inclusivity and serves to sustain and improve the democratic mission of schooling and the vitality of our democracy. Education should be thoughtfully wielded as an instrument that helps to strengthen and unify our nation, not one that further divides and segments our community of learners.

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