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## Justice for Education Guideline #4 for Government and Citizenship

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“Parents bear primary responsibility for the nurture and education of their children. This fact is recognized in both American and international law.” This is the first of eight theses in the *Guideline* on education posted by the Center for Public Justice on its web site: [www.cpjustice.org/guidelines](http://www.cpjustice.org/guidelines). This first thesis goes to the heart of one of the deepest sources of controversy in American schooling.

While American law recognizes that parents have primacy—or principal responsibility—for the education of their children, cities and states have, since early in the Republic’s history, assumed primary responsibility for providing schooling. In other words, governments at all levels now function as if they bear primary responsibility for educating American citizens. The conflict between two principals—parents and the government—in education has led to any number of controversies in American education policy. Different families often want different kinds of schooling for their children; government agencies typically aim for a single system that treats everyone the same. Educators want to be innovative; governing administrators seek stability and require long periods to make changes. Parents and families are religiously diverse; government-run schools have to be uniform.

The second thesis of the *Guideline* is this: “In justly exercising its responsibility to provide for the general welfare, government may—and indeed should—help parents meet their responsibilities. For most of American history, such assistance has included the funding of elementary and secondary education.” The primary source of difficulties in American schooling, according to the Center for Public Justice is not public *financing* of education. To the contrary, the Center sees government funding as one of the legitimate ways government can fulfill its responsibility to assure that all *citizens* are prepared for participation in American society.

But as the *Guideline's* third thesis indicates, government's concern and responsibility "should concentrate on upholding public equity provisions, assuring that each child has fair access to quality education." For government to guarantee equity and fairness in education it does not need to own and operate schools, or compose the curricula, or hire teachers. If parents are the principals in the education of their children, then government's actions should be carried out in ways that support parents and assist them in fulfilling their responsibilities as well as fulfilling the government's responsibility to assure all citizens of a basic education. For this reason, as the fourth thesis puts it, government should "treat citizens equitably" and "be impartial in its treatment of the diverse types of schooling parents chose for their children." Government can support a diversity of school systems and parental choices without having to own and operate schools.

Throughout American history, we should remember, some schools have been founded and run by organizations other than governments. Churches, groups of parents, independent educators, and others have established schools. Many parents prefer schools other than those run by governments. Parental choice of such schools should not be hindered if governments are treating all citizens equitably. That is the emphasis of the Center's fifth thesis of this *Guideline*: "Those who educate and establish schools should be free to decide on the philosophical and pedagogical approaches they offer, the curricula they adopt, and the means of governing and administering the schools they open to the public." Justice for education requires pluralism—equal treatment of a variety of school systems as well as equal treatment of all families in their choice of diverse educational opportunities.

In one respect, the local, state, and federal governments do recognize the right of diverse schools to do what the fifth thesis calls for. Parents are, for the most part, free to choose from among schools, including nongovernment schools. And nongovernment schools are, for the most part, free to decide how they want to teach students and govern themselves. But there is a hitch. American governments at all levels direct almost all of the tax-collected funds for schooling only to the government-run schools. This means that if parents choose independent schools, they suddenly become responsible to pay their own way with little or no public support, even though they continue to pay taxes to support education. And in the case of poorer parents, there may be no choice at all because they cannot afford nongovernment alternatives.

Why is this the case? The origin of the system we have today is to be found in the 1840s, when large numbers of Catholics were immigrating to Boston and New York. The largely Protestant American population saw those immigrants as a potential threat to what was essentially a WASP (white, Anglo-Saxon, Protestant) society. Many Catholics had organized their own schools and requested public financial support of the kind that was given to the common schools that were largely Protestant in ethos and character. The majority in control of the governments of New York and Boston decided to write legislation requiring that public education dollars go only to "nonsectarian" schools, which meant the exclusion of Catholic schools. Of course, the so-called common schools were not

without a Protestant “sectarian” bias, but the majority, by definition, considered their schools to be nonsectarian and sufficient for all true Americans. What happened, in essence, was that American cities and states went on to set up majority-controlled government-run schools that were entitled to be the exclusive recipients of public funding. The system of American public schools that we have today is built on that fundamental, discriminatory injustice.

Today, of course, every non-government school, including those not self-defined as religious, are treated as private and sectarian, and their students are denied equal public funding. This is a travesty if we look at what “publicly approved schooling” means in America today. In my state of Maryland, as in most states, the public law governing education actually approves four kinds of schooling: 1) government-run schools, 2) private schools, 3) parochial schools, and 4) home schooling. Each kind of school must meet certain public requirements and is thereby recognized as a school that fulfills the public obligation of parents to educate their children. In other words, Maryland gives public approval, with public requirements, to four types of schooling. But why, then, does it continue to direct financial support to only one of those systems of publicly approved schooling? The reason goes back to the 1840s, and that injustice of public discrimination remains with us today.

For nearly 30 years, the Center for Public Justice has been calling for a fundamental reform of public schooling to overcome the long-standing injustice of monopoly funding of a single government-run school system and the rejection of equitable pluralism. That is what the sixth thesis of the *Guideline* states: “When government certifies a variety of schooling options that fulfill the public purpose of educating children and when parents choose schools for their children, justice demands that each child should receive the same kind and degree of public financial support. Equitable public funding should be offered without regard to the religious, philosophical, or pedagogical differences among the variety of certified schools parents choose.”

A negative way of making this point is to condemn the injustice that now exists, and that is what the seventh thesis does: “At present, government fails to do justice when it does not fund equally all of the schooling options it legally certifies. Instead it discriminates against many American families and schools by not funding the education of children who attend nongovernment schools, including religious schools. This stands in contrast to public funding of school choice in most other democracies in the world.” (For information about some positive developments on the school-choice front, go to [www.acsi.org](http://www.acsi.org), [www.heritage.org/research/education/bg1970.cfm](http://www.heritage.org/research/education/bg1970.cfm), and [www.friedmanfoundatin.org](http://www.friedmanfoundatin.org) ).

I do not want to suggest that a basic change of American law to give equitable public funding to all students, would solve all of the educational problems now facing our country. Many problems facing education arise from other sources such as troubled or broken families, degraded and violent neighborhoods, inadequate funding, and a lack of adequate connections between schools and jobs. Yet many of these problems could be addressed more constructively if parents had freedom to choose where to send their

children to school. We are strongly convinced, therefore, that any attempt to solve problems ranging from crime to teaching about sex, from religious freedom to providing for disadvantaged children requires a fundamental shift away from government's monopoly funding to a genuinely pluralistic system. Only in that way can the different responsibilities of parents, educators, and government officials be properly sorted out.

That is why the Center concludes by advocating in the *Guideline's* final thesis the position of principled pluralism, which entails "equitable funding for all children, allowing parents to choose the means of education that is best for their children. A school-choice system of this kind does justice to parental responsibility for children, to the diversity of publicly approved schools, and to the religious freedom of all citizens, ensuring a just and proper relationship between government and society's diverse families and schools."

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