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Parent-Driven Education in America: A Revival

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Introduction

A movement is afoot in America. Parents are getting more directly involved in their children's education. We might attribute this to a growing number of cultural controversies. Student performance problems in public schools and the COVID-19 pandemic have pushed families to seek parent-driven education.

Whatever the causes, we are seeing what Sutherland Institute is calling parent-driven education.

The term "parent-driven education," as used by Sutherland Institute, tries to capture any education option where parents act as teachers, administrators, funders or hosts. This is a step above simply being involved in an education that is paid for, created or delivered by an outside entity, though parental involvement in all forms of education is vital.

Parents choosing these options want more say over how their children are educated, the ideas they are being taught, and their children's social environments. They can include independent home-schoolers, those who use a home-school co-op, microschoolers, families that use hybrid models, those who enroll in private schools, and even those who predominantly choose public schooling or funding but with parents in a key role. It all exists on a spectrum of how involved a parent wants to be.

Unsurprisingly, state legislatures have followed this lead. Education choice legislation has been a burgeoning area for state legislators, who have passed many education choice programs and scholarships. This has opened doors for entrepreneurs to supply and create options for parents to choose a more parent-driven education.

Such high levels of direct parental control in a child's education are far from a new concept. Arguably, today's parent-driven education movement is a return to America's foundations, a time when parents were the primary (sometimes only) driver of their child's education.

How education was first established in America is comparable to how an increasing number of parents are seeking greater control over the education of their children today. The modern iteration is bolstered by new technologies and education choice public policy.

It may be a revival of what once existed in America, but now with modern features, innovative options, and public resources.

The Colonial era

Education in the pre-Revolutionary 13 Colonies was varied, non-standardized, and dependent on several factors, such as one's family and region. Parents were central to their child's education – often paying for schooling without taxpayer support or bearing the entire responsibility for instruction themselves. This, of course, meant that some families left their children uneducated, allowed them to simply pick up enough skills for a vocation, or sent them away to other families for training or apprenticeships.[1]
For those in the Northeastern Protestant Colonies, reading the Bible and gaining religious understanding were also seen as a central feature of a child's education, making home a key place of learning.[2] Religion was also a strong motivator for

the New England Colonies to prioritize education in their laws.[3]

The first law regarding education in America was passed in 1642 in Massachusetts, named the "Massachusetts Compulsory Attendance Law."[4] This law required that heads of households be responsible for the education of any children living in their household – codifying that parents were seen as a child's first and most important educator.[5] The law extended to more than the head's immediate offspring and included the children of servants and apprentices.[6] Rather than requiring students to attend school, the law's intent was to ensure parents took responsibility for children's educational instruction and learning.[7]

When more organized schools came into existence, family finances were still a factor in whether a student could attend.

While Massachusetts boasts the first publicly funded school in the nation, the Boston Latin School founded in 1635, it is also known for creating an important law that established property tax to pay for schools.[8] In 1647, Massachusetts passed the "Old Deluder Satan Act," which required towns with 50 households to create what would have been an elementary school, and if it met a larger threshold (100 households), to create what we would call a secondary school.[9]

Even though town resources – funded at the communities' discretion rather than always by taxes – helped support these schools, they were considered "public" only in that anyone who could pay could attend with no other restrictions.[10] This was in contrast to schools that were open only to those in a particular religion.[11] In contrast to today, statutes required education to be provided but did not require students to attend school.[12]

In areas outside the New England colonies, education was often more reliant on families and other private institutions like local churches and private donors.[13]

For instance, the Virginia governor in 1671 said the responsibility for education was up to "every man according to his own ability to instruct his children."[14] Farmers in the South who worked in fields would sometimes combine resources to create a "field school," located near where they worked – a Colonial version of the microschools gaining popularity today.[15] Endowed schools were sometimes overseen by public officials, though they were still privately funded.[16] Very rarely were public funds given to a school.[17]

As with other areas, public funds were rarely given to schools in the middle colonies like New York, New Jersey, Philadelphia and Delaware.[18] A variety of religious groups played an important role in creating a range of schools in Philadelphia.[19] Some privately endowed schools were free for the poor, while other schools charged tuition.[20]

All of this meant that even when parents were not the direct instructors, families usually had ultimate responsibility for education, whether by tradition or by law.

The founding of the United States of America

At the time the nation was founded, many of these features remained. Other than in rare instances – like the Northeast's partially publicly supported education system – education was still usually privately supplied and paid for. It took place at home, church, schoolhouses, and in other local

institutions. Still, parents believed it was their duty to educate their children, including on morality and religion.

However, the Founders understood that a newly birthed republic required an educated citizenry – one that understood the government they had created so they could ward off tyranny. John Adams and Thomas Jefferson both pursued publicly supported education systems.[21] Their efforts eventually influenced other public education systems and future policy in Congress.[22]

In 1779, in Virginia, Jefferson sought to pass the "Bill for the More General Diffusion of Knowledge," which would have created and financed a public education system for both boys and girls.[23] Its failure was attributed to a lack of resources due to the effects of the Revolutionary War, though the policy was initially received with enthusiasm by lawmakers.[24]

A little later, in 1780, Adams drafted the Massachusetts Constitution, which put education in a key position of importance in its government.[25] This constitution served as a model for several other state constitutions.[26]

Congress adopted some of Jefferson's and Adams' philosophies when drafting and passing the Northwest Ordinances of 1785 and 1787, which divvied up land to the territories so they could become states.[27] These laws outlined how to divide up the land into counties and towns and required that land resources be used to finance a public education system.[28] Such a policy emphasized the government's interest in education even though there was no formal role for the federal government in education outlined in the U.S. Constitution.

Even as public sentiment started to turn from parent-driven education toward publicly funded and (what would evolve into) more government-driven systems of schooling, culturally parents were understood to play a key role in a child's education. For instance, while education for white men was important because they would be voters, education for girls was justified on the understanding that they were educators for their children.[29] In this way, parents (mothers) were seen as drivers of education through the founding of the nation and our early conceptions of public education.

From the common school movement to the mid-1990s

Notwithstanding these parent-centered roots, some of our nation's Founders saw benefit in publicly funded education, pushing constitutional or statutory language to create it early on.

By the 1790s, features of common schools – an early type of the public school we know today – began to emerge in America in places like New York, where common "pay" schools proliferated; these were schools where students could pay to attend and gain a common education with any others that paid to attend as well.[30]

These were the early philosophical foundations of what would become the common school movement. This era of advocacy would lay a foundation for moving education away from parents' direct control and toward the more standardized, government-driven model of public schools used today.

The common school movement

Though multiple education reformers played a role in the emergence of the American common school, most attribute Horace Mann with its inception around 1830. Mann is the best-known advocate for free, nonsectarian and universal education for all children in the United States.

Mann served in the Massachusetts State Legislature before being appointed secretary of the Massachusetts Board of Education in 1837,[31] where he published on education in the Common School Journal.[32] By 1843, Mann went to Europe to study its education systems.[33] Most impactful on him was his trip to Prussia,[34] a country that incorporated ideas like creating a common identity through free schooling, curriculum decisions, teacher preparation, and even a national department of education.[35] Mann's work in learning about Prussia's system helped shape his philosophies and the features we readily recognize in most of today's public schools.

The concept of the common school was a response to societal changes politically and economically.[36] Agricultural life was giving way to factories, government was investing in infrastructure such as roads, and society was seeing a rise in poverty and disparities between the rich and poor.[37] Immigration brought new people and stoked suspicion of their religious traditions.[38] Amid all this, some education reformers felt the need to offer a universal and unifying mode of education.

The motivations for creating common schools were to address these societal issues.[39] One was to reduce poverty and crime, and another was to create a more united American culture among diverse groups.[40] They were also seen as a way for the common person regardless of class (though race and religion still mattered) to gain education, morality, and the characteristics of citizenship.[41] As this model developed it became an entrenched mode of operation for American life: centralized education that required state and local participation and funds.

Standardizing the teaching profession and compulsory education

Part of this movement included the standardization and professionalization of teaching, which required both formal training and unity of voice on issues impacting teachers. In 1839 the first public Normal School was established in Lexington, Massachusetts, to train teachers; "normal schools" were the name for teacher preparation institutions (later these became teacher colleges and then university departments of education).[42] Previously, teachers could largely be anyone hired by parents or private entities to teach a subject or skill, though they were often men, including clergymen.[43] Thus began a more systematic way of teaching pedagogy. In some ways, this could be seen as a good outcome since teachers were better prepared for the classroom; however, standardization of pedagogy may also be the reason teaching has been viewed as less personalized for students.

Likewise, in 1857 the National Teachers Association was created.[44] It was established when different state-level associations invited others to join so they could have a national voice.[45] This was important for many teachers because they often lacked the necessities to teach, were paid little for their services, or experienced poor working conditions.[46]

A few years before, in 1852, Massachusetts created the first compulsory education law, which compelled students ages 8 to 14 to attend school – the ideals of common school could not be achieved if not enough students attended.[47] By 1918 all states in the U.S. had mandatory attendance laws.government taking a stronger role, became more muscular and standardized over time. These features are the same as those we see in today's typical public school district.

Schooling through the mid-20th century

Modeled like the common school, public schools spread through the 19th century, though not evenly.[48] The Northeast was again ahead of others in adopting public schools (as it was in the Colonial era).[49] Cities tended to introduce them faster than rural areas.[50]

Though most areas of the country would eventually establish public schools, by 1870 about 78% of students ages 5 to 14 had access to public schools.[51] Public high school would take even longer to catch on. In 1910, only 14% of Americans 25 years and older had a high school degree, as opposed to 2017, when 90% of that same demographic had a high school diploma.[52]

This suggests that as public schools became the norm over time, most parents sent their children to public school. This is still true today.

The ultimate dream of universal public schools as an institution of unity and equal access was still a work in progress. Race discrimination and segregation of black and white students in public schools made it difficult to realize these early hopes. In some states, Latin American, Native American and Chinese American students faced similar discrimination and segregation in schools.[53] In 1954 the U.S. Supreme Court held in *Brown v. Board of Education* that the "separate but equal" concept (which justified segregation in schools) was unconstitutional.[54] Throughout the 19th and 20th centuries, political battles continued over education for women, people of different races and religions, and students with special needs.[55] With time, the federal government would continue to grow in influence to push national agendas.

Basically, almost as soon as public schools were the norm, it needed reform to meet the needs of different groups.

Early efforts to create a department of education

Part of the reform efforts would come from the federal government. Almost as far back as the Civil War, there were efforts to create a federal education entity. However, the story of its creation has always been one of tension: federal encroachment versus federalism, politicization of education versus student learning, and questions surrounding the constitutional legitimacy of federal efforts in education.

In 1867, an early Department of Education was created.[56] It was intended to be an entity that needed only a handful of staff to gather data on the best ways to improve education.[57] Due to concerns that it would gain too much control, eventually it was downgraded from a department to bureau within the Department of Interior, called the United States Office of Education, which got hosted by other federal departments over time.[58] For instance, in 1939 it was moved to the Federal Security Agency.[59] By 1953 the Office of Education was housed within the Department of Health, Education and Welfare (HEW).[60]

The National Education Association (NEA – a teachers union) supported a clearer federal institution dedicated for education. When future President Jimmy Carter was running for office, the teachers union agreed to back his candidacy if he would commit to creating a Department of Education, which he followed through on in 1979.[61] The Department of Education that we know today became operational in 1980.[62] Ever since, abolishing or diminishing the Department of Education has been a talking point for conservative presidential candidates, since many see the agency as ineffective at best and unconstitutional at worst.

Federal policy and funding

Of course, federal education policy does not necessarily rely on the existence of a department. Federal education policy was created for years regardless of the official entity – often through Congress.

The early 1900s saw the federal government directly funding education in a number of ways.[63] In 1917, vocational education was given a boost by the federal government with the Smith-Hughes Act, which gave federal aid to precollegiate public schools.[64] After World War II, the federal government expanded its support of education by passing legislation like: (1) the Lanham Act of 1941, which aided the construction of schools; (2) the GI Bill of 1944, which helped veterans pay for college or training; and (3) the Impact Aid laws of 1950, which aided local districts with school operating costs affected by federal activities.[65][66]

Another well-known example of the expansion of federal education policy occurred after Russia launched Sputnik. America's leaders felt the nation was behind technologically and that we had lost our competitive edge. In response, in 1958 Congress passed the National Defense Education Act (NDEA), which allowed the federal government to grant funds to American high schools to support science, mathematics and foreign language, which was an early forerunner of the STEM efforts that we see today.[67]

Then the nation dove into the Civil Rights movement in the 1950s and 1960s. The United States Supreme Court ruled against segregation (the separate but equal standard) in *Brown v. Board of Education* in 1954. Furthermore, federal enforcement by the Justice Department was required to implement desegregation policies at the school level when people resisted the court's holding.

The 1960s also brought President Lyndon B. Johnson's Great Society program. This included "war on poverty" legislation passed by Congress, like the 1965 Elementary and Secondary Education Act (ESEA).[68] During this time, Congress also passed the Higher Education Act.[69] Both of these federal laws still govern federal public funding of education in significant ways today. They have also brought about noteworthy federal education initiatives – some successful, many unsuccessful, and nearly all controversial. For instance, the regular reauthorization of ESEA became the vehicle for federal education policies like the No Child Left Behind Act in 2001 (NCLB) under President George W. Bush and the Every Student Succeeds Act in 2015 under President Barack Obama.

ESEA also created and still authorizes Title I funding for schools serving a high number or high percentage of students living in poverty. This program remains a very prominent feature of education policy discussions today.

In 1975, Congress passed the Education for All Handicapped Children (the name was changed to Individuals with Disabilities Act, or IDEA, in 1990).[70] This federal law requires schools to serve the educational needs of students with special needs. It created a right to a "free and appropriate education which emphasizes special education and related services designed to meet their unique needs." Today, families of students with special needs in public schools interact with this law daily.

During President Ronald Reagan's administration, the National Commission on Excellence in Education published a report called "A Nation at Risk: The Imperative for Educational Reform" in 1983, which condemned a host of performance measures in American education.[71] Part of its purpose was to ensure the nation was doing enough to compete during the Cold War. While the Reagan administration was highly critical of the existence of the U.S. Department of Education, this report was a spearhead for education policy discussions.

President George H.W. Bush pushed for national goals in education, again inserting the federal government into education policy.[72] Some efforts started to coalesce around improving education through standards, starting with President Bill Clinton's administration, and culminating in his immediate successor's No Child Left Behind push for state standards and assessments to reach proficiency.[73]

Federal policies since then have at times tried to send power back to the states (with ESSA)[74] or at other times issued guidance on topics that have been controversial (like bathroom policies relating to gender identity).[75]

In the end, while federal education policy began in the 19th century as an intermittent effort whose impact was marginal, it grew during the 20th century into the permanent and substantial fixture of the education landscape, where it remains in the 21st century.

One of the challenges with this fixture is that there's a perceived, and perhaps real, inverse relationship between government and parents: When the federal government role in education increases, the parent's role is reduced. As the federal government has sought public education reforms, concerns have grown about diminishing state, local and parent control.

The impacts of federal involvement in education

Aside from questions of constitutionality, critics argue federal involvement has been controversial at best and ineffective at worst.

To show its ineffectiveness, some point to longitudinal data we have of American education performance, which is the National Assessment for Educational Progress (NAEP), sometimes called the Nation's Report Card.

For example, data show that while fourth-grade math and reading scores increased from years 1978 to 2004, the gains diminished by eighth grade and disappeared by 12th grade.[76]

From 1996 to 2017, NAEP math scores improved substantially, but the growth was not a linear pattern.[77] In fact, 2017 scores were identical to scores in 2009 and some years even saw decreases.[78] For this same time period, reading score gains were more modest.[79]

Furthermore, looking at the performance gaps between black and white students from 1996 to

2017 reveals that the gap narrowed but remained significant in math.[80] Worse, the black-white gap in reading scores remained unchanged for those two decades.[81] This is especially disconcerting when considering that NCLB was aimed at improving scores for disadvantaged students. This period – 1996 to 2017 – should have reflected NCLB's effects if any were to be found.

Controversies have also sprung from federal involvement. Although federal sources account for only about 8%[82] of all elementary and secondary public school revenues, the Department of Education has the third largest budget of any federal Cabinet department.[83] While participation in programs is always voluntary, there is intense political pressure for states and districts to seek and accept whatever funds they can get. This means in effect that the federal government creates education policy that impacts public schools across the board on a regular and ongoing basis.

Importantly, funds come with requirements with which states must comply to receive funding – some of which further the political agenda of a particular administration, political party or interest group. The highly controversial Common Core standards are a prime example of federal policy being incentivized by an administration and detested by states at large. Federal guidance regarding discipline policies like restorative justice practices have also been controversial.[84] In short, federal policy is often politically charged and increasingly polarizing – causing headaches for states, local districts, parents and students alike.

In recent years, the politicization of education has become difficult to ignore, both at the state and federal level. Federal levers are a significant part of that equation, and even presidential hopefuls reveal the degree to which that is true when they champion their education platforms – often using them as a basis to attack their political opponents and promote their own ideas.

The federal role in education is not likely to go away spontaneously, but federal influence could wane as the movements for parents' rights and education choice develop across the nation.

The rise of the modern home-schooling movement

Today's growing focus on parent-driven education owes some of its success to early home-schoolers – those who have been resisting the default of public schooling for decades, even alongside a growing federal footprint.

Notwithstanding the common-school style public schools being the norm throughout the 20th century, some families in the mid- to late 20th century, dissatisfied with public schools, pursued education that more closely resembled education in earlier days.

What the story of the rise of the modern home-schooling movement (1960s to 1980s) reveals is that although early home-school families were motivated by varied reasons, they were united in a belief that they could achieve unique goals only outside of the traditional schooling system.

For all the merits of gathering diverse children into a shared American experience and lifting up students destined for poverty, the common-school approach also relied on a system of order, obedience, centralization, standardization, and an industrial-era mode of operation. Many of these latter features started to be seen as extreme failures that either needed to be reformed or avoided altogether.

A radical reform for the time in which it began, the advent of modern home school grew from roots in both the political left and conservative Christian movements during the 1960s and ’70s.[85] Both segments of society developed distinct rationales for forgoing traditional school and seeking a home-school environment.

On the conservative Christian side of things, people like R.J. Rushdoony and Raymond Moore were vocal champions of why schooling at home was better than traditional school.

Rushdoony, an American Calvinist philosopher and preacher, emphasized the importance of an at-home Christian religious approach to education as a means to build God’s kingdom – a sort of exodus from the schools of the time.[86][87]

Moore and his wife, Dorothy – often called the grandparents of the modern home-schooling movement[88] – advocated for the developmental benefits of kids staying home with parents during their early schooling years, around 8-10 years old – especially for boys – rather than sending them to a more formal education.[89] He and his wife were also Christians and created their own home-schooling approach.[90]

On more of the political left, Austrian philosopher and Catholic priest Ivan Illich, a radical thinker in the 1970s who helped develop the alternative health lifestyles movements, published his education theories in several books.[91] His most influential work was his 1971 book, called *Deschooling Society*, which criticized mass schooling for requiring students to navigate hierarchies to get credentials rather than truly learning in natural ways like through relationships.[92]

All these contemporary thought leaders and others – whether for religious, developmental or ideological reasons – created a foundation of diverse rationales for why home schooling should be considered better than traditional school settings during the 1960s and ’70s.

Furthermore, the U.S. Supreme Court dealt a blow to the public school default, which required attendance at a public school, in *Wisconsin v. Yoder*.[93] The court held that an individual's right to free exercise of religion outweighed the state’s interest in forcing a child to attend school beyond eight grade. This created a powerful precedent that parents could educate their children outside the traditional public schools.

John Holt and the “Growing Without Schooling” newsletter

Still, home schooling as conceived of today was most heavily influenced by the thought leadership of John Holt.

In some ways, Holt’s background was an embodiment of the counterculture of the 1960s and ’70s.[94] Though he served in the U.S. Navy, he later joined a pacifist group and was a vocal critic of the Vietnam War.[95] He refused to pay taxes and rebuffed an honorary degree from a university because he believed higher education creates “enslaving institutions.”[96] He was also an open critic of federal efforts to reform or address education crises because it sought only to fix a system that he believed was inherently flawed.[97] He advocated for the rights of children, including their right to choose their own guardians.[98] His counterculture or anti-establishment approach could be seen in his teaching career and education philosophy as well.

Ultimately, Holt’s education philosophy boiled down to a belief that education ought to be child-led rather than directed by an institution like a

school.[99] Holt developed some of his personal theories about education as a former private school teacher.[100] He was fired for bucking the administration's traditional procedures like giving assessments or using new pedagogical approaches.[101] His ideas also came from observing other modern-day classrooms and taking notes of what he witnessed.[102]

Though he wrote many articles and several books in his lifetime, his first published book was the 1964 book *How Children Fail*, which asserted that compulsory schooling killed a child's innate curiosity and replaced it with fear to make them conform to authority.[103][104]

But Holt's lasting influence and legacy really stemmed from when he started publishing the first home-schooling newsletter, called "Growing Without Schooling," in 1977.[105] In it, Holt would share practical ideas and stories of families who were already home-schooling.[106] In response, he would receive letters from parents looking to continue the conversation.[107] Holt ran his bimonthly newsletter and correspondence until he died in 1985, though the newsletter continued in publication until 2001.[108]

Holt also championed "unschooling," a term he coined, which included schooling that did not have to take place at home.[109] His work, however, has culminated in inspiring families to look for a range of ways to instruct children outside of a traditional school setting, an umbrella approach that for many has driven the home-schooling movement.

What Holt started among families with his newsletter spilled into a greater political need once those parents ran into legal hurdles in their states.

Creation of the Homeschool Legal Defense Association

As the intellectual underpinnings for home schooling grew in popularity, so did the need for the corresponding practical and legal resources.

By the early 1980s, relatively few families were home-schooling, which meant those who were doing so often sought out practical home-school ideas and guidance. Some state governments created extreme challenges for families by putting parents in jail[110] for contributing to truancy or delinquency (something that happened as recently as 2019 in Mississippi, though the charges were dropped).[111] Others are less extreme but have laws about parent requirements to home-school. For instance, some states require a parent to have a high school diploma or GED.[112] Every state allows parents to home-school without a teaching certificate unless, as is the case in some states, parents try to qualify to home-school under a "private tutor" category.[113]

Michael Farris was an attorney and a home-schooling father in Washington state who would often be contacted by home-schooling families when they needed legal counsel.[114] Farris realized there was a need to start an organization to offer home-schooling families legal representation more broadly.[115] He partnered with Mike Smith, another attorney and home-schooling father based in California, to open a nonprofit organization aimed at making home schooling legal in every state and to fund the legal representation of home-schooling families.[116]

In 1983, the Homeschool Legal Defense Association (HSLDA) was created.[117] Its influence has been a crucial factor in the legislative victories across the nation to secure the right of parents to instruct their children at home. And HSLDA, as it

was first conceived, also won court cases defending families who were getting pushback from their state government. The organization is heavily influenced by Christian philosophies, and its advocacy matched the growing home-schooling momentum of the 1980s – seeking a more religious-based education. We have the now-common stereotype of the Christian, right-leaning home-school family.

Today home schooling is legal in every state, but the organization is still a source of resources and information for families who need practical help in home schooling.

During the COVID-19 pandemic, the number of families reported as home-schooling more than doubled. Since then, more states have adopted education savings accounts to fund at-home education, though this is legally not considered home schooling by groups like the HSLDA. Still, their work philosophically supports those families who do not want to send their children to a school for their education.

Today's home-schooling movement is growing increasingly diverse, religiously, racially and politically. The number of black families that report themselves as home-schooling grew five times during 2020. The number of Hispanic families home-schooling nearly tripled. Rapid momentum in the school choice movement has also created new education models, including hybrid approaches, which are publicly funded, but instruction and learning take place outside of a traditional school setting – often at home. Examples include distance learning programs offered by public charter schools and school districts, or a la carte education from education savings accounts.

Hybrid approaches illustrate a resurgence of people wanting an approach similar to what predated the common school era and which was dominant in America's education landscape early on. Regardless of funding or providers now available, these at-home education families have the modern home-schooling era to thank for establishing their philosophical and legal framework.

Charter schools and pre-pandemic public-school choice

In fact, the well-established (and legislatively successful) education choice movement may also owe its undergirding philosophy to arguments made by early home-schoolers: Parents deserve alternatives.

Education choice is now a well-cemented issue in the Republican Party[118] Today's Democratic Party has taken a position largely opposed to recent education choice efforts.[119] However, education choice is now being offered to more parents of all backgrounds, which reflects public school choice's early bipartisan beginnings.

The early school choice movement that grew in the 1980s and 1990s has touch points with advocates and groups that are not singularly ideological or partisan. Early education choice efforts focused on public charter schools, increased choice in district public schools, and private school choice programs like vouchers and tuition tax credits.

Those early efforts have led to significant expansion of education choice in recent years. As states continue to embrace education choice, more people are likely to experience its effects. This in turn is likely to create a broader

demographic of education choice proponents than America has seen before.

How public charter schools began

Public charter schools are a form of "public school choice." Public charter schools are, as their name suggests, publicly funded schools that receive a charter from the state. Their charter allows public charter schools to operate independently from any school district and to try innovative pedagogies or school management practices.

Early thought leadership on public charter schools in the 1970s can be attributed to a New England educator named Ray Budde.[120]

Budde wrote a paper in 1974 called "Education by Charter," garnering almost no attention.[121] But after the Reagan administration's "A Nation at Risk" report was published in 1983, Budde decided to get his charter school paper published.[122] He succeeded in 1988.[123] He subsequently sent it to then-President George H.W. Bush, but it continued to attract little attention.[124]

In July 1988, Budde learned that Albert Shanker, president of the American Federation of Teachers, had presented Budde's proposal for "charter schools" in a National Press Club speech.[125] Budde's charter school idea wound up in a *New York Times* article and, ultimately, in the mind of policymakers.[126]

In truth, Budde's original concept was that charters would come from the districts themselves, a way to create innovation within existing schools – not to compete with public schools.[127] Shanker's derivative proposal was that new, innovative schools ought to exist within shared buildings of other schools to improve the public schools through innovation and competition – not to step away from them.[128]

This idea of charter schools made its way to the Minnesota State Legislature. Three state legislators and advocates of the concept – all Democrats – chose to modify the idea to allow the state to authorize charters.[129] This became the nation's first charter school law, in 1991, and the first public charter school in America was created in Minnesota the following year.

But Minnesota was not only a leader in creating the first public charter schools. It was also an early adopter of district public school choice by enacting the nation's first open enrollment law in 1988.[130]

Open enrollment laws

Open enrollment is also considered "public school choice." Simply put, these policies allow students to transfer from one public school to another. Still, they reflect a growing political acceptance of parents' need for options.

State open enrollment policies differ, meaning open enrollment can be mandatory or voluntary, or within districts (intradistrict), or between districts (interdistrict).[131]

These transfers increase a family's choices among public options, which is why open enrollment is considered a public school choice policy. Where it exists, it ensures students are not strictly limited to schools based on their ZIP code – giving them a choice that open enrollment advocates believe increases opportunity, though some critics believe it still contributes to separating students by wealth or race.[132]

After Minnesota passed the first open enrollment law, several states followed suit. In 1989, Arkansas, Iowa, Nebraska and Ohio passed open

enrollment laws.[133] The next year, Idaho, Utah and Washington created open enrollment policies.[134]

Today, 43 states have laws or policies that permit interdistrict open enrollment, while 27 states plus District of Columbia and Puerto Rico have laws or policies that permit intradistrict open enrollment.[135]

Even today, some states allow public schools to charge tuition for transfer students, though this is seen as a barrier to truly accessible open enrollment policies.[136] According to some measurements, Utah, Arizona, Oklahoma, Kansas and Florida have the best (least restrictive and most transparent) open enrollment laws in the nation.[137]

The growing popularity of public school choice

Public charter school laws spread quickly from Minnesota to other states. In many instances – like California, Colorado and Massachusetts – the push toward public charter schools came through Democratic or bipartisan leadership.[138]

Today charter schools are a staple of America's public school choice offerings. Charter school laws now exist in all states except (as of 2022) Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont and West Virginia.[139]

At the federal level, public charter schools also benefited from progressive advocates, including Shanker.[140] Federal charter school policies had bipartisan support and were actively championed during the Clinton and Obama administrations.[141]

For instance, Clinton, a Democratic president, advocated for the Charter Schools Program to fund new public charter schools (something his Republican successor, President George W. Bush, also supported).[142] Clinton also signed The Charter School Expansion Act, which created incentives for states to expand or improve charter schools.[143]

Likewise, Obama, also a Democratic president, promoted public charter schools during his time in office.[144] He increased funding for the Charter Schools Program.[145] He also used the American Recovery and Reinvestment Act to replicate high-performing charter schools and used the Race to the Top competitive grant program to help lift caps on charter school enrollment.[146]

The Trump's administration's emphasis on school choice naturally favored charter school expansion. However, during Biden's administration, new regulations enacted tighter restrictions on the Charter School Program – a change in approach relative to all his immediate predecessors.[147]

In short, the story of public charter schools in America – both at the state and federal levels – has been one of leadership by progressive advocates and bipartisan support. This history is important because it highlights the broad potential for "education choice" to be a leading public policy under the right circumstances. In an environment of parent-driven education, robust private choice may simply be inevitable.

The history of vouchers and private school choice

Like public charter schools, private school voucher programs – which send public funds to a private school selected by parents to help pay for some or all of the cost of tuition – began to win legislative victories in the 1990s and 2000s, which is when almost all voucher or other private education choice programs in the U.S. were created.

Technically, two states passed voucher programs very early in America's history – Vermont in 1869 and Maine in 1873 – both of which created programs to use public funds to pay for tuition for public or non-religious private schools for families living far away from public schools[148] ("town tuitioning," as it was called).[149]

Early thought leadership on the concept of vouchers can be traced back as early as the 18th century.[150] Both Thomas Paine and John Stuart Mill held philosophies supporting private school vouchers and wrote about voucher-like policies.[151]

But Milton Friedman's influential 1955 essay "The Role of Government in Education" (and another version in 1962) helped the idea of vouchers begin to grow in popularity, at least in some intellectual circles.[152] Friedman contended that subsidizing private choice in schools would create competition and improve families' options.[153]

However, vouchers have had varied uses and justifications. Sometimes vouchers in the late 1950s to 1960s were seen as a way to sidestep racial integration of schools, particularly after it was required in *Board v. Brown of Education* in 1954.[154] For instance, seven states in the South offered tuition grant programs with the effect of incentivizing students to leave desegregated schools.[155] Others, with more progressive ideas, saw vouchers as a way to end segregation or to narrow the achievement gaps between the disadvantaged and advantaged.[156]

By the 1970s, some progressives supported vouchers as a way to fix "overly bureaucratic big-city schools."[157] In the 1980s, advocacy for vouchers hit similar notes, even at the federal level. President Reagan's administration pushed for vouchers to help low-income students.[158]

It was against this background that support for vouchers culminated in the nation's first voucher bill in 1991, in Wisconsin. The program was created for low-income families. However, as it expanded to middle-income families, some of its Democratic supporters began to oppose it.[159] A more nuanced view of vouchers among Republicans and Democrats existed well into the 2010s.[160] But today, private school choice is nearly always understood to be a right-leaning political proposition.

After 1991, vouchers continued to spread to other states – Ohio quickly adopted a voucher program in 1995, but most other programs were passed between 2003 and 2019. Today, 14 states plus Puerto Rico and the District of Columbia have voucher programs.[161] Some have multiple programs, like Louisiana, Mississippi, Ohio and Wisconsin, usually the result of expanding voucher opportunities to new categories of students.[162]

Tax credit scholarships

Private education choice soon expanded beyond vouchers. For instance, in 1997, Arizona passed a tuition tax credit scholarship – which allowed individuals who donate to a school tuition organization to get a tax credit against state income taxes (up to a limit).[163] Donations were then given to low-income or middle-income families in the form of scholarships to be used for private school tuition or other expenses. This is another form of choice geared toward offering students a place in private schools while not directly being paid for by the state.

The program was challenged in state and federal court, but the program prevailed.[164] Today, 22 states have some form of tax credit scholarships,

some with multiple programs, and some with a broader range of acceptable expenses.[165]

Tax credit education savings accounts

After Arizona's tax credit scholarships, the next iteration of private choice came with Florida's tax credit education savings account (ESA) in 2001. An education savings account differs from the traditional voucher model in that it gives wider flexibility on how funds can be used. Rather than simply funding private school tuition or fees, ESAs allow parents to spend funds on things like instructional materials, curriculum, home-schooling fees, and tests. Currently, there are two states with tax credit education savings accounts: Florida and Missouri.[166] Missouri passed its program in 2021 during the COVID-19 pandemic.

Private education choice challenged in court

In 2002 the U.S. Supreme Court in *Zelman v. Simmons-Harris* upheld the constitutionality of vouchers, holding that the Ohio voucher program did not violate the First Amendment's establishment clause.[167]

However, in one instance, some groups brought a state challenge against Arizona's 2006 voucher law, based on one of its state constitution's Blaine Amendments, which prohibited state funds from going to "aid" religious private schools. Similar amendments can be found in many state constitutions. The Arizona Supreme Court ruled against the program.[168]

After that decision, Arizona created the nation's first education savings account in 2011. This program deposits public funds into an account for a family to use for a variety of uses, rather than sending funds directly to private schools or relying on private donations like a tax credit education savings account program does. This new approach avoided the violation of the state constitution that the Arizona voucher program had created. Thus was born a legislative vehicle that would become more popular than vouchers in many education choice circles because of its flexibility and increased choice. Arizona became a model of broad and universal education choice to which other states could look for a template.

The COVID-19 pandemic would supercharge support for education choice programs. But even before the pandemic, education savings accounts and other types of education choice policies were gaining ground. Today, 13 states have education savings account programs.[169]

Other legal challenges have been brought against private choice programs as well; however, overall rulings have supported publicly funded private choice programs.

While education choice is seen today as a Republican platform issue, the story of the origins of private education choice programs suggests that there may be more potential for common ground in education reform than we often recognize.

Recommendations and conclusion

While some may argue that the momentum of parent-driven education today is experimental, a look at the history of the U.S. shows that is not true. We see that early on, parents were the center of a child's education. This was followed by a long era of moving the center of education from parents to public schools. Today, there is a growing interest in parent-driven education models, many of which are now available through public funding, resources and support.

To continue this trajectory, Utah policymakers and education leaders should consider doing the following:

Boosting funding for the Utah Fits All Scholarship Program. In 2023, the Utah Legislature passed a universal education savings account program.[170] While universal in eligibility, it was very limited in funding. In fact, originally the program was only allocated enough funding for 5,000 scholarships; however, after demand for the program was demonstrated to be significantly more than funding would allow, the Legislature agreed to double the funding.[171] The reality is that many more Utah students would benefit from this type of choice. Increasing funding for the program would expand parent-driven education opportunities by making it financially possible for more families that couldn't afford to do it otherwise.

Increasing parent access to information regarding curriculum and parent engagement. Polling data commissioned by Sutherland Institute in 2024 shows that parents and teachers perceive things like access to curriculum and parent engagement quite differently.[172] This may be attributed to an information gap about how parents can access information that is already available to them and a need to build capacity in communicating with parents in user-friendly ways. Policymakers should consider financial or professional incentives for teachers who willingly go beyond what is required of them in sharing their classroom curriculum. This may help more parents understand what their children are being taught and allow them to be more engaged.

Improving open enrollment law and data. Open enrollment policies allow parents to have a choice of school among district public schools. This empowers families to find a school that best fits their child's needs. Utah has a strong open enrollment law and was one of the first states in the nation to pass legislation in this area.[173] However, the state should strengthen the transparency of open enrollment data at the district and state level, which would help parents in making decisions. It could also prohibit address discrimination – so that where a child lives never impacts the decision to accept or deny their application to transfer schools.

We are arguably experiencing a revival of parent-driven education. As policymakers create reforms that bolster a parent's role, the revival will continue.

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