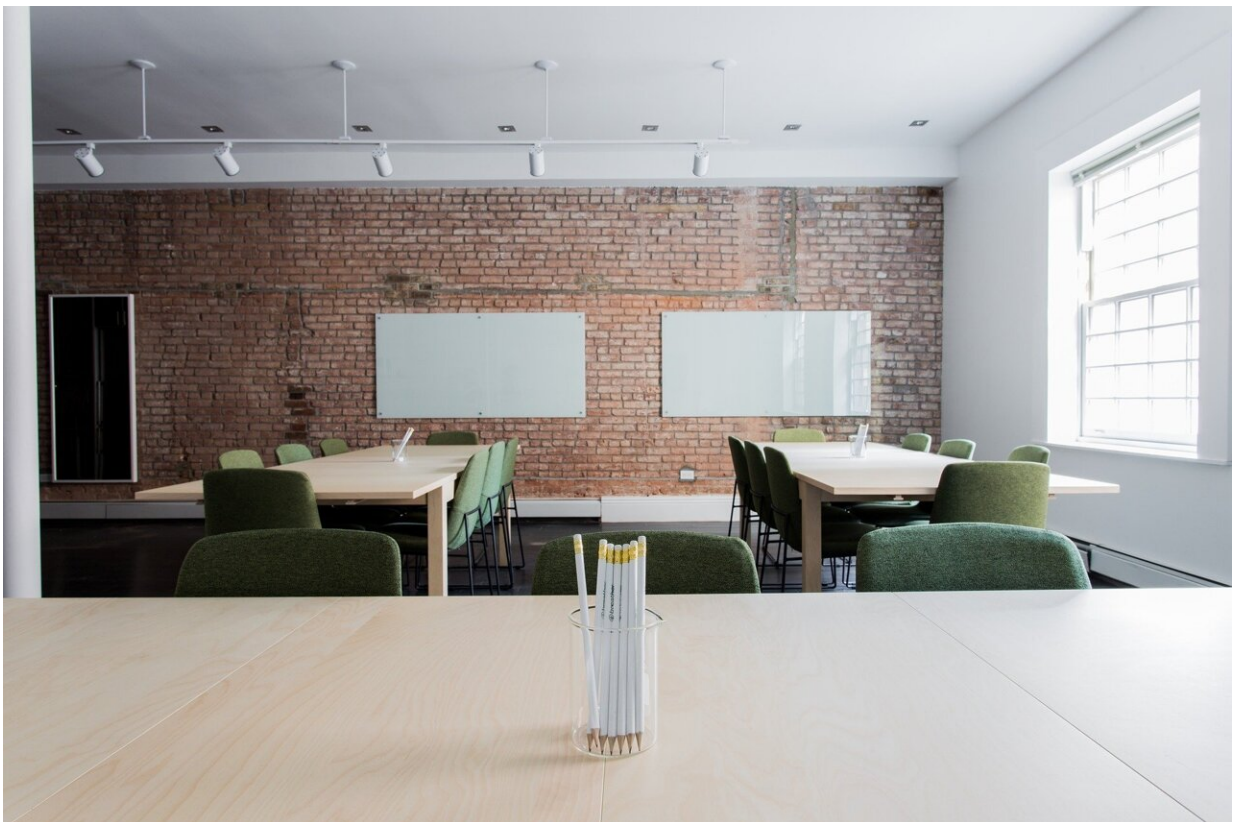


Parent empowerment—not regulatory overreach—key to private school choice accountability, report argues

November 15 2021, by Shannon Roddel



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The disruption to K-12 education in the United States caused by the COVID-19 pandemic spurred a flurry of legislative and executive

actions favoring parental choice. Already, 2021 has been the single most successful year in the history of the private school choice movement, with 21 states voting to create, expand or improve their school choice programs. But who holds these programs accountable?

According to a new Notre Dame Law School report, parent empowerment—not regulatory overreach—should drive accountability for publicly funded [school choice](#) programs.

"[Accountability in Private-School Choice](#)," published by the Manhattan Institute from Nicole Stelle Garnett, the John P. Murphy Foundation Professor of Law at the University of Notre Dame, underscores the fine line between ensuring academic accountability and curtailing [private schools'](#) autonomy and recommends two guiding principles for accountability regulations.

"Regulators should aim to give [parents](#) the information needed to make wise choices, thereby enabling them to hold schools accountable through enrollment decisions," Garnett states in her report. And, "Accountability regulations ought to advance the goal of providing parents with access to more and better schools."

Most people would agree that, when the government acquires a good or service with [public funds](#), it is entitled to ensure that it gets what it's paying for. To an extent, it is no different with private school choice, according to Garnett.

"It's reasonable to ask private schools participating in private school choice programs to be transparent about the academic performance of their students," she said. "It is not reasonable, however, to subject them to government control or micromanagement. The entire purpose of parental choice is to encourage educational pluralism and give parents choices, so that parents can hold schools accountable. Overregulation

defeats that purpose."

While 21 states voted this year to create, expand or improve school choice programs, three new programs were added in states that previously did not have any—Kentucky, Missouri and West Virginia.

According to Garnett, accountability regulations should aim to give this expanding pool of parents the information about school quality they need, but often do the opposite.

She writes, "Many accountability debates are not really about holding schools 'accountable.' Rather, they represent opponents' thinly veiled obstructionist efforts to kill choice proposals before they are enacted and to subject private schools to government control when such efforts fail.

"For a variety of legitimate reasons," Garnett says, "state and federal regulations do not require private schools to participate in state accountability regimes or take the same test as public schools. But, while it makes sense to give private schools flexibility over choosing a standardized test, they are not required to disclose test results publicly, and many opt not to. This makes it difficult for parents to make informed decisions. Information about school quality should be transparent, easy to interpret and reflective of the criteria that matter to parents."

According to Garnett, regulatory burdens are a major reason private schools opt out of choice programs, reducing available options to parents and resulting in an educational system that is less equitable and inclusive.

"Parents with means have long had the ability to choose their children's schools, either by moving to districts with good public schools or paying tuition at private schools," she said. "Justice demands that disadvantaged parents be given these options as well."

Today, 31 states plus Washington, D.C., and Puerto Rico have at least one private school choice program. Questions of accountability inevitably and logically follow when choice expands.

Garnett's report focuses on academic [accountability](#), but she also warns about regulations that raise religious liberty concerns.

She writes, "Regulations that interfere with the autonomy of private schools—especially those that threaten the religious liberty of faith-based schools—are most likely to deter them from participating in choice programs, thus undermining the increasing access to more and better schools."

Provided by University of Notre Dame

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