

Where does the power lie now?

Devolution, choice and democracy in schooling

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School choice has proven to be a powerful rallying cry for reform. In societies driven by consumerist values, 'choice' tends to be perceived as a good in itself. However, a number of studies have shown how the interpolation of discourses of school choice into even relatively benign school settings (Miller-Kahn & Smith, 2001) can disrupt existing relationships and systems. In less benign settings, it is not surprising that proposals for reform have often been met with enthusiasm (Apple, 2003), especially the notion that the power to educate can be delivered into the hands of communities and parents through 'choice'.

This paper examines the claim that 'choice', in its many guises, can improve the educational outcomes of all children, or most children, or some children. The arguments outlined here rest heavily on the findings of research in a range of countries, because the 'school choice' movement is not confined to one country, or even one group of countries. It is a global phenomenon. It develops and recurs in various guises, from whole system reform in New Zealand (Codd, 1999; Lauder et al., 1994), to Federal (Berg, 1997; Fusarelli, 2004a), State (Camilli & Bulkley, 2001; Kupermintz, 2001) and local/ charter (Fennimore, 2005; Ferraiolo, Hess, Maranto, & Milliman, 2004; Fusarelli, 2002; Lubienski, 2003) reform in the United States, to choice and specialisation in England and

Wales (Adnett & Davies, 2003; West & Bell, 2003), issues of public and private choice in Canada (Bosetti, 2004; Davies, Aurini, & Quirke, 2002) and Australia (Marginson, 1999; O'Donoghue, 2000). Some whole nations have adopted forms of vouchers with the stated aim to facilitate choice (Carnoy, 1998; Lundahl, 2002; Plank & Sykes, 2003; Raham, 2003).

A study of the school choice literature can be quite perplexing. Different researchers have undertaken analyses of the same schemes, often using the same data, and arrived at quite different findings. Most famously in the Milwaukee voucher program (Peterson & Others, 1996; Witte, 1998, 1999), but also in a range of other studies, similar data has led to different conclusions. The overwhelming conclusion of the literature must be that, as currently implemented, there are no substantive, demonstrable, sustained, measurable benefits in adopting any school choice system. The fact that there are few studies showing overall benefits (and those that do show benefits to be very marginal) has not, however, prevented policy makers from instituting and supporting choice reforms. School choice is based on political exigencies, not empirical evidence; it is about power.

The concept of power itself is a highly theorised, highly contested concept. My main theoretical referents are threefold. First is Bourdieu's theory which explains how power is structured in and through social relations and everyday life, through the transformation of habitus into cultural and economic capital. Second, I am interested in Gramsci's theory of competing interests fought out on a terrain structured by existing power relations, and the concept of hegemony as expressing the (always partial and contested)

victory of the dominant groups. Finally, there is Foucault, and his emphasis on how power relations are played out between people and groups of people, and the related technologies of power:

...what characterises the power we are analysing is that it brings into play relations between individuals (or between groups)... if we speak of the power of laws, institutions and ideologies, if we speak of structures or mechanisms of power, it is only insofar as we suppose that certain persons exercise power over others (Foucault, 1994) p. 336).

For the purposes of this paper, I have found Foucault's emphasis on the characteristics of power relations between individuals and institutions particularly useful, in providing a framework for examining elements of choice.

It is not difficult to justify an analysis of school choice based on power. More often than not, such policies are presented as empowering to individuals and groups: students, families, individual schools and communities. Sometimes the policy intention is clearly to reduce the perceived power of other groups (teachers or teacher unions, school administrators or others).

The aim of this paper is to re-examine the findings of the international school choice research, or at least part of this large and diverse literature, to consider how power relations work within the various elements of individual choices, school and regional

systems and at the legislative and national levels. The scope of the paper is ambitious and, because of this, specific elements are not necessarily given the attention they deserve. The paper is 'comparative' in the sense that school choice is an international phenomenon. However, far more detailed comparisons, and analysis of the various 'levels' of power relations, within and between countries are possible, than have been able to be achieved here, and should be pursued in other studies.

School choice and power relations

What is power? The social theories of interest to me all reject the notion that power is something that resides merely in the political sphere. Power can and does reside in that sphere, and we might call that the professional (and lawfully structured) exercise of power. Decisions made in the political sphere have the authority of the state, but are often made at significant social distance from their intended targets. Thus, while political power has significant potency, its effects may often be diluted in practice, and may even have unintended consequences and perverse effects.

Of much more immediacy is the power that derives from social intercourse structured by our history, habits and relative (perceived) position in society. Bourdieu's work is of crucial importance in demonstrating how social existence is transformed into relations of power, while Gramsci's work examines how the institutions of civil society structure the terrain and shape power relations.

Foucault (1994 p. 344-345) suggests that a number of points must be established when attempting to analyse power relations, and he borrows freely from other theorists in constructing his typology. The elements he identifies are: the system of differentiations; the types of objective pursued; instrumental modes; forms of institutionalisation; and the degrees of rationalisation. These five ‘levels’ of the exercise of power provide a useful framework for examining particular phenomena, for examining how power plays out in specific situations (however defined). Foucault warns that the study of power cannot be reduced to the study of particular institutions (1994, p. 345), but on the other hand can be found in and through their study.

The first level, the system of differentiations, refers to the differences of status and privilege that structure interactions at every level. These include class, gender, ethnicity, linguistic competence, ‘know-how’, economic differences among others. This is similar to Bourdieu’s concept of habitus. Foucault notes that “every relationship of power puts into operation differences that are, at the same time, its conditions and its results” (p. 344). These differentiations refer, in the schooling sector, to the evident knowledge that the institutions of schooling systems are never a neutral meritocracy, but always structured by the predispositions of its populating groups.

The second form of power relation described by Foucault is the ‘type of objectives’ expressed by participants. Such power may relate to the reproduction of privilege, to occupational status, to statutory requirements or other factors. If the system of

differentiations demonstrates that people have differing status and ability to be heard, the type of objectives shows that different groups and individuals require different outcomes.

The third form of power refers to the ways in which it is exercised: whether by force, or persuasion, or economic disparities, or rules, or coercion, or other forms, which may be more or less overt, manifest, and subject to enforcement. Here it is important to recognise that compulsion does not arise only from coercion, but also from a selection among alternatives or unthinking obedience, or a range of other factors. In fact, Foucault rejects the notion that force is power, in any useful sense; power is the ability to get others to comply or act without force.

The fourth form of power relation is the institutions that surround and act on persons in society. These institutional forms encompass formal state institutions through to the institutions of civil society. It is within these that the habitus of individuals becomes transformed into forms of cultural capital, in which certain individuals, through their habits and understandings, are advantaged while others are not.

The final form of power relation Foucault calls the 'degrees of rationalization'. Power is not just formed through the existence of institutional forms, but through their adaptation (through the interactions they facilitate) to life: "The exercise of power is not ... an institutional given: it is something that is elaborated, transformed, organised; it endows itself with processes that are more or less adjusted to the situation (ibid).

It is by no means easy to understand power in schooling systems, but this framework provides some useful tools for analysing school choice systems.

Individuals and choice

Systems of school choice can be contrasted to systems of state allocation in terms of one key dimension that has multiple effects: that parents/caregivers/children/someone must choose a school: more than one option is offered. In New Zealand, for example, there is a system of universal mandatory choice, what Wylie calls the 'voucherless voucher' (Wylie, 1999). There is no general requirement that a person attend their local school or any particular school. In practice, however, there are many barriers to choice. In many rural areas, schools are a long way apart and transport systems very sparse. In many urban areas, popular schools are soon full so choice becomes impracticable. For many children with disabilities, choices are effectively (but not legally) limited.

Many systems in other countries have partial choice. Parents may choose certain types of school, or under certain conditions. The American response to calls for choice, apart from the very limited programs of vouchers and privatization, has revolved around magnet schools and charter schools. This means that a child can either go to their local school, or choose on some other basis. The English response has focused on generating differences between schools, through the development of specialisms (West & Bell, 2003) and 'trust' and 'technology' schools (Whitty & Edwards, 1998).

Many European countries such as France (Duru-Bellat, 1996), Germany (Dustmann, 2004) and Finland (Seppanen, 2003) maintain low levels of school choice and, in the case of Germany, high levels of selectivity, or ‘tracking’, at high school level.

At the level of individual choices, there are several inter-related issues dealt with in the literature. Two aspects will be examined here: who is choosing, and on what basis are choices made?

Individual choices are driven primarily by the first and second of Foucault’s sources of power: the system of differentiations and the type of objectives held by choosers. There is now a significant literature that demonstrates that school choice systems in effect increase segregation between population types. Choice takes place within systems that have historically been differentiated in numerous ways. Over time, links grow up between the social characteristics of neighbourhoods and the schools within them. In the United States, there are also enormous regional funding discrepancies, the ‘savage inequalities’ that condemns the poorest areas to have the worst-resourced schools (Kozol, 1991). But in New Zealand, a unified funding system actually provides significant additional resources to the poorest schools, and yet the social hierarchy of ‘rich schools, poor schools’ applies equally, even if the gaps in provision are somewhat smaller (Gordon, 2003).

In practice this means that wealthy families can send their children to the local school with no dissonance between their social aspirations, their location and their right to

attend. As educationally advantaged families cluster in such areas, aspirant families also seek places in the same schools. This means that these schools tend to become full very quickly, which both (ironically) further enhances their reputation and puts them out of reach of families. How this is dealt with in public systems is considered in the next section.

The key to this analysis, however, is that there is little or nothing about the *educational* characteristics of the school that matters in the market. Whereas the educational marketplace was intended to reward good schools, it in fact rewards desirable school communities. From the earliest New Zealand research on the educational market it has been clear that choices are made primarily on the basis of social characteristics (Lauder et al., 1994). There have been numerous studies that demonstrate how power relations dictate school choice. In England, studies have shown how knowledge gleaned from social networks outweighs and nullifies official knowledge in making school choices; it is not what is being said, but who says it, that matters (Ball & Vincent, 1998). The power of middle-class choice extends beyond individual families and affects choices for others, too (Reay & Ball, 1997, 1998). Diane Reay's study of women who head single parent families noted that some ruled themselves out of the market: a common view was that school choice was not 'for' working class mothers and their children (Reay, 1996).

The first element of power here, then, is that the middle classes, by their habits and actions, have the ability to shape the educational landscape. While social networks appear to be making choices about which schools are 'best', they are, by their actions,

simultaneously defining the hierarchy of desirability. One disturbing aspect of this to emerge from the research is the apparent cavalier fashion with which this power of ye or nay is dispensed. Jennifer Holme describes how middle class families are prepared to uproot themselves and buy expensive houses in the 'right' area, in order to ensure their children attend the best high schools. Her study showed that this choice is made largely on the basis of networks and reputation; most families never visit the schools they are rejecting, nor the schools they are buying into, before making the move (Holme, 2002):

Status, in fact, dominated every aspect of these parents' choices. They not only implicitly trusted the information given to them by other high-status parents, but also read a great deal into these parents' own school choices. As such, the parents in this study assumed that those schools serving the children of high status parents – whether neighbourhood school or private schools – were superior to those serving the children of lower-status parents. Thus, for the parents in this study, the assumed quality of the schools was directly associated with the status of the families they served (Holme, 2002 p. 180).

Many other research papers echo these findings. A significant element is the nexus of race and class. While school choice has been frequently touted as the cure for racial segregation, research findings demonstrate on the one hand that racial segregation increases in choice systems (Howe, Eisenhart, & Betebenner, 2002; Saporito, 2003), and on the other that some people of colour choose to move into racially distinctive schools (Bush, 2004; Herr, 1999). The implication for democracy of increased racial

fragmentation and school segregation has yet to be analysed (Weiher & Tedin, 2002).

Although the main focus of the work on ethnic separation is American, research in other choice systems has also reported similar trends (Karsten, 1999). While some argue that the ‘challenge’ of school choice is to ensure that segregation such as that described in the research does not occur (Glenn, 2005), the clear message from the research literature is that dominant class groupings make (and break) educational reputations and determine the distribution of educational space and prestige. To ignore these trends, or see them as a correctable policy blip, appears to miss the point.

So where are the poor, people of colour and the educationally disadvantaged in choice systems? Why do they appear not to be able to take advantage of choice of schools? The points made above provide one response to this: that the dominant class groupings ‘make’ educational success by virtue of their own choices, however poorly conceived they may be. Dominant class groupings also have more resources than others (Apple, 2001), for example the ability to work flexible hours and to be able to transport children across town to school. The other side of this story is that non-dominant groupings make school reputations too, but often negatively.

It is also worth noting, in looking at power relations, that non-dominant groups often do not want their children to go to the dominant groups’ schools, even where they may identify those schools as being the ‘best’. This signals a complex form of power, wherein, at a cultural level, alternate hierarchies are constructed that resist or counter dominant social relations (Willis, 1977). The more common form is where non-dominant families

desire the products of education, but see themselves and their children marginalised in the race to acquire these (Ball & Gewirtz, 1996; Reay & Lucey, 2000). If it is true that dominant groups carry educational power and prestige with them, then a belief by non-dominant groups in their subordinate status in choice systems, *as a group*, is necessarily correct.

The apparatus of schooling and choice

This section draws attention mainly to the third and fourth forms of power articulated by Foucault. In this context they are closely linked with one another. The third form of power relates to the mechanisms of control: how power is exercised. In school choice systems, power is actively devolved from national/regional systems to local/individual choices, although within this distinction there are myriad different forms of schooling system. The fourth form of power relates to state agencies. The fact of public education and its gate-keeping role, the disposition of organisations of schooling in societies, the redefinition of 'childhood' and 'success' that it entails, its links to the economic apparatus, the status hierarchies it involves and so on all contribute to specific forms of power relations. In terms of school reform, we need to examine what has changed, and how it has changed, as manifestations of altered power relations. A key question is: If schools are now controlled by parent power, why aren't they more different from one another in diverse societies? (Apple, 1995).

The phenomenon of increased homogeneity around conservative schooling forms was first noted by Geoff Whitty and his colleagues (Whitty, Power, & Halpin, 1997). The principle can be expressed as follows: when exposed to market competition, schools tend towards a conservative portrayal of themselves, stressing uniformity (and uniforms), discipline and academic subjects. In New Zealand, 15 years of school reform has led to virtually no innovation, and a significant increase in the discourses of uniformity and discipline. In England, too, schools are re-made in a parody of the public (private) school. Reforms in the United States are more interesting, because of the ability of communities to start their own charter schools, cater for specific (and often alienated) groups, and thus bypass the problems of middle class definition described above:

Increasingly, educational reformers view charter schools as a way to provide a more effective education to students who are ill-served by the public school system as it is currently structured. Support for charter schools comes from a wide array of groups, including conservatives who also support taxpayer-financed vouchers; business leaders... African American and Hispanic civic groups; community leaders; and parents searching for ways to reform public education without totally destroying or abandoning it (Fusarelli, 2002).

There is some evidence of diversity in charter schools. Shopfront schools, longer school days, bilingual programs and similar options appear to focus closely on community needs (Bush, 2004; Cutter, 1996; Kennedy, 2002; Premack, 1996; Windler, 1996). On the other hand, at State and school district level, charter schools are often used as a basis to bring in

anti-union agendas and partial privatization, including the contracting out of schooling to private companies such as Edison (Bloom, 2003; Bulkley & Fisler, 2003; Fletcher-Campbell, 2001; Fuller, Burr, Huerta, Puryear, & Wexler, 1999; Lacireno-Paquet, Holyoke, Moser, & Henig, 2002).

The pro-choice literature portrays marketised and privatised schools as being more responsive and innovative than public schools. Not only does this assume that these schools will be innovative, it assumes that public schools are not. Chris Lubienski's work demonstrates that there is nothing particularly special, innovative or responsive about charter schools compared to the public school system (Lewis, 1996; Lubienski, 2003, 2005). Lubienski's meta-analysis uncovers a sustained pattern of "organisational change coupled with pedagogical and curricula conformity" (2003 p. 413) in charter schools. This finding has significant implications for policy, not only in but also beyond the United States.

It is evident from the research that certain forms of schooling cast a long shadow. While schools appear free to set up in forms that reflect community need (and many new schools in both the USA and England specifically cater to the needs of education-poor communities), their tendency to adopt traditional forms must reflect a power exigency.

As well, there are numerous ways in which new schools and existing systems have been shaped by power exigencies from above, such as the need to demonstrate success (and how success is defined) or to operate within a particular environment. In the United

States, the funding for charter schools is particularly sparse and, unless schools are able to access significant, ongoing funding from other sources (Cutter, 1996), the need to fund set-up costs as well as teaching and learning systems can be prohibitive. In England, the government has found that the start-up costs of new technology and trust schools has been high, and that business and community agencies have been reluctant to invest funds in schools. Other social and economic barriers also exist.

School choice has meant, in many countries and regions, changes in the governance of schools. Perhaps the most radical of these reforms was in New Zealand, where the 1989 reforms devolved school governance to elected boards of trustees, made up largely of parents of children at the schools. The same reforms swept away the regional bodies that governed most schools at the time, labelling them unnecessary bureaucracies. The loss of capacity that occurred at the time proved disastrous, and New Zealand legislation has been in re-regulation mode since around 1998, albeit within an unaltered governance system. An OECD official memorably called boards of trustees ‘self-perpetuating oligarchies’ (Hirsch, 1995). The reason for their reproductive power is quite evident from the framework used here. The parental power to choose (or not) was incorporated into the very system of education. Boards of schools in poor areas dealt with the hardest problems and biggest challenges with the least human resources to do the work.

In England and Wales, there have been ongoing attempts to shift governance away from LEAs (regional authorities) to individual schools. The current reform proposals have been heavily criticised (Audit Commission, 2006) as unfair, inconsistent and poor value

for money. The extension of the 'trust' schools policy would see schools become independently run, and would include a range of governance models including significant privatization. A number of American firms, led by Edison, see the reforms as an opportunity to take over the running of some British schools.

In the United States, governance operates most significantly at the level of the district. School districts serve from homogenous to extremely diverse populations, and are subject to political influence, takeover and external attack (Alsbury, 2003; Bulkley, 1999; Feuerstein, 2002; Fitz & Beers, 2002; Pihho, 1995; Shamon, 1996). One of the most interesting case studies concerns Boulder, Colorado. A campaign initially launched by one woman eventually shifted a content and reasonably effective school district towards a system of choice and increasing differentiation (Howe & Ashcraft, 2005; Howe et al., 2002; Miller-Kahn & Smith, 2001).

How power is exercised, its disciplines, scope and nature, is directly dependent on its locus of control. The removal or reform of regional schooling bodies, especially if they are to be replaced at the school level, allows for more direct or indirect control from above, through regulation or legislation, and also transforms a schooling *system* into a series of individual enterprises. A reduction in regional governance also affects institutional supports for schools, significantly weakening those close to the school, while strengthening central steering mechanisms.

The final issue to be discussed in this section relates directly to the relations and rules of power: the system of admissions to school. In New Zealand, the educational 'free market' of the early 1990s led to a range of significant problems, such as children inexplicably left out of schools or people living next door to a school being barred from attending. As the market took hold, and the wealthiest schools became increasingly popular and places more contested, middle class parents found their access to the 'best' schools becoming more problematic. There was a perceived (and, in some cases actual) shift in decision-making power from parents to schools.

A system of school choice inevitably produces more or less popular schools. The question of how to regulate entry is thus at the heart of the system, although there is evidence that often little attention is given to this aspect (Gordon & Pearce, 2005; Saporito, 2003; West & Hind, 2003; West, Hind, & Pennell, 2003, 2004; West, Pennell, & Hind, 2003). Systems that guarantee entry to local people and use neutral systems to allocate places will have quite different outcomes to systems that allow schools to choose. There is significant evidence that, where schools can 'cream skim' (West, Hind et al., 2003), they will do so.

Local and regional structures and practices are themselves framed by national or sub-national legislation, regulation, funding, control and influence. The school choice movement has been accompanied by rhetoric that school systems are failing children, and that education levels need to improve, and is often presented as the solution to these problems. Such rhetoric is clear within the No Child Left Behind Act in the United States,

the choice and specialisation policy documents of the UK government and in the recent legislation increasing school accountability for planning and reporting student achievement in New Zealand. Where does the power lie, then, when governments start articulating, and demanding improvements to, schooling for disadvantaged groups?

National and federal systems: public and private

This final section examines the role of government in legislating for systems of education. It is the most difficult of the parts of this paper because it involves the interaction of all five elements of Foucault's distinctions; to an extent the first four produce the fifth. Elements of social and economic status, of the ability to express objectives and be heard, of the modes of the exercise of power and the institutional forms all pattern national responses and effects through the elaboration, transformation and organisation of the social world. What makes such responses very complex is that they can be formed by contradictory and conflicting goals, and again they may have unintended consequences and effects.

The *No Child Left Behind Act 2001* presents as legislation that is concerned with improving student achievement, particularly for certain categories of 'at risk' child. The Act has four basic planks: the requirement for accountability through testing, linked to remedial action; increased freedom to spend federal grants according to local needs; a shift to programs and practices based on rigorous scientific research; and a rule that children who attend failing schools (as defined) may be transferred to a better-performing

school, with transport costs met by the school district, and remedial services offered to children who stay at such schools.

The literature addresses all these elements and a range of other concerns, such as the effects on children with disabilities (Taylor, 2005; Turnbull, 2005; Yell, Drasgow, & Lowrey, 2005). The main effect of the legislation is to hold schools and teachers accountable for student achievement. As many authors point out (Fusarelli, 2004b; Harris & Herrington, 2006; Karen, 2005; Laitsch, 2006; Ryan, 2004), this forces teachers into narrow test-based pedagogies. In a fascinating paper, Arce et al examine the winners in the testing game. They are, mainly, the testing publishers, the testing companies, the private companies that offer tutoring and other remedial services. Essentially, from this perspective, the Act opens the door for a large shift in funds from the public education sector into the hands of private corporations:

Through No Child Left Behind, the Bush Administration has legitimized the role of private corporations in public education. This heavy-handed involvement is determined by corporate CEOs and board members who decide what is worthy of teaching and learning, and who should have access to opportunities.

Unfortunately, while corporations profit from public education, many schools and their communities are being underserved educationally, socially, and economically (Arce, Luna, Borjian, & Conrad, 2005)(p. 64).

The remedies offered by the Act are choice and privatization, further incursions of the private into public education, the adoption of ‘scientific’ methods that can never embrace and transform the profoundly social processes that underpin education and, thus, the privileging of particular relations of power. By misrepresenting the causes of educational failure at the school level, the Act ensures that, while test scores will rise, educational opportunity will not improve for those for whom the Act is intended (Mickelson & Southworth, 2005; Snell, 2004).

The second approach of interest here argues that schools should become more different from one another. This approach forms the centre of current government reform efforts in England and Wales. The main argument is that widening access to choice “will enable access to good schools and drive up standards” (Audit Commission, 2006). While this is the old notion that competition improves standards, the policy is contradictory in that the flagship specialist schools are also intended to co-operate with and provide networks with other local schools, in order to share expertise. This sends contradictory messages to schools (West & Bell, 2003).

The recent Audit Commission report (2006) points out a number of flaws in the specialist schools scheme. These flaws include: that the admissions scheme offers insufficient “checks and balances necessary to secure equity of access and treatment of parents and children”; that choice (rather than a realistic preference) is not possible; that assumptions are made that spare places are the result of poor performance; that a system of choice

needs spare capacity which is not available in key areas; and that a reduction in local authority power improve accountability.

The key feature of the policy from an analysis of power is that it is driven by heavily competing goals. To begin with, the reification of choice as the main driver of school quality privileges the choosers. Underpinning that is the subsidiary role to use specialisms as a lever to improve quality in all schools. Not only does this assume that educational failure is solely the product of inexpert schools and teachers, West and Bell point out that these schools were found through inspection to be weakest on their community relations and networking roles.

A significant aspect of the ongoing reforms in the UK involve the development of public private partnerships in education. Companies have expressed interest in setting up trusts to run schools. Why would private businesses be interested in running schools, and what value would they add to the education process? Where does the power lie? The striking thing about this policy is that, even if it worked according to its stated intentions, the main gains would accrue to the educationally advantaged, and only crumbs would trickle down to the have-nots in the form of a (small) overall improvement in the schooling system. Far more likely, as various critics have pointed out, is the development of a two-tier system involving fewer opportunities for those who need them most.

Finally, the notion that public education is bad and the private sector is good. Most of the reform processes we have seen – choice, vouchers, charter schools and so on – are based

at heart on the primacy of the private. The power relations here are simple. Those that work in the public schooling system are seen as unmotivated, lazy, driven by the wrong incentives and ineffective, with no motivation to change their behaviour. The private sector could deliver education better, cheaper and more effectively, it is argued (Friedman, 1962; Hanushek, 2003). This model disempowers teachers, by treating them as mere drones responding only to external incentives. It ignores the role of education in communities, and the role of communities in schooling. It ignores the profoundly social causes of educational success and failure. Despite many attempts to prove it, there is no research evidence that private is better than public, all things being equal. After 20 years of vouchers in Chile, the call is for more educational reform, more access to the still inaccessible, more change. In the end, the promise that choice empowers, improves, transforms is a hollow one; everything may be changed, and yet nothing. The power relations that govern education are embedded in the social systems of our society, and only change at that level can 'reform' school outcomes.

Conclusion

The main reason given for school choice is to empower families to choose the school that best meets their needs, thereby encouraging 'non-chosen' schools to improve. It rests on specific assumptions derived from the economic sphere, and not only shares some of the problems of consumer choice (not all consumers have equal resources to choose), it fails to take in account at all the deep cultural and historical discourses of power that shape schooling.

Thus it is not surprising that school choice has not worked. While it may have improved the schooling experience of some specific individuals, the system improvements promised by choice have failed to occur. The first section of this paper examined how power is exercised at an individual level. The research notes that the exercise of choice and the modes of choosing barely differ from pre-choice systems. Those who have always been able to exercise their first choice continue to do so. What choice does, because it requires competition, is make top end schools increasingly responsive to top-end parents, to ensure their market dominance is maintained. Such responses may have much more to do with ensuring that disruptive or diverse elements are removed from the classroom, than improving educational outcomes. There is a dangerous tendency here for schools to increasingly serve homogenous communities.

What of schools and systems? How has school choice affected them? The research is clear that more devolved, autonomous or privatised forms of schooling do not bring about innovative practices. Such schools, freed from the bureaucratic burden that reformers claim prevents good schooling, tend to immediately reproduce existing school formats, often in their most conservative guise. There is no sustained evidence that new categories of schools improve performance. There are individual exceptions, involving both innovative practice and opening up opportunities for disenfranchised youth. But there always have been alternative routes for some. Schools such as charter schools and UK specialist schools may have more power, but also operate under significant constraints.

As in New Zealand, the stripping away of regional support systems has placed new burdens on schools.

New Zealand has a radical system of governance based on 'parental power'. This model actually encourages conservative forms. With boards being elected every three years from among parents, there is little opportunity for expertise to build up, and the onus falls heavily onto school principals to determine policies and practices within national guidelines. The shift in empowerment towards communities brought about by local governance is at least equalled by the increased pressures of compliance to external regulations, funding shortfalls and, in poor schools, deep set social and community issues.

What was devolved in New Zealand in the 1990s was the power of over-subscribed schools to select students. The right of schools to choose their own intakes is a heavily contested area, largely because the power to select the 'right' students complements the power of the middle class chooser. The lesson from New Zealand is that 'free market' choosing is disastrous and inefficient public policy. Now, schools must ballot spare places. In the UK, the proposed policy to allow selection on some kind of academic merit inevitably raises the spectre of social segregation.

Do the NCLB and reforms in the UK empower disadvantaged students by improving education and driving up achievement? No, and neither, it appears, are they intended to do so. Behind NCLB is a discourse of discipline focussed on the poorest communities

and their schools. If these schools do not achieve the unachievable, they will be closed. Poor communities will lose schools, and the resulting message will be: decent schooling does not occur in poor communities. This, of course, was the message of desegregation in the 1950s, and is the message now. The profound social gaps in educational achievement in the USA attest to the failure of 'bussing' as the apex of education policy. NCLB will not empower poor communities.

The concept of power, based on a scheme outlined by Foucault that tries to come to terms with the complexity of the discursive and multi-layered practice of education, provides an approach to assessing the multiple levels at which school choice operates. This analysis both builds on and confirms the overwhelming research finding that school choice does not shift educational power towards the disenfranchised. The political rhetoric that choice reforms increase the power of children, families or communities is not reflected in research evidence.

References

- Adnett, N., & Davies, P. (2003). Schooling reforms in England: from quasi-markets to competition? *Journal of Education Policy*, 18(4), 393-406.
- Alsbury, T. L. (2003). Superintendent and school board member turnover: Political versus apolitical turnover as a critical variable in the application of the dissatisfaction theory. *Educational Administration Quarterly*, 39(5), 667.
- Apple, M. (1995). *Education and Power* (2 ed.). London: Routledge.
- Apple, M. (2001). Comparing Neo-Liberal Projects and Inequality in Education. *Comparative Education*, 37(4), p. 409-23.
- Apple, M. (2003). Strategic Alliance or Hegemonic Strategy? Conservatism Among the Dispossessed. *London Review of Education*, 1(1), 47 - 60.

- Arce, J., Luna, D., Borjian, A., & Conrad, M. (2005). No Child Left Behind: Who Wins? Who Loses? *Social Justice*, 32(3), 56.
- Audit Commission. (2006). *Report on 'Higher Standards, Better Schools for All: More choice for parents and pupils'*. London: Audit Commission.
- Ball, S. J., & Gewirtz, S. (1996). Education Markets, School Competition, and Parental Choice in the U.K.: A Report of Research Findings. *International Journal of Educational Reform*, 5(2), p. 152-58.
- Ball, S. J., & Vincent, C. (1998). 'I Heard It on the Grapevine': 'Hot' Knowledge and School Choice. *British Journal of Sociology of Education*, 19(3), p. 377-400.
- Berg, J. L. (1997). No Child Should Be Left Behind. Working to Fix What is Broken in Public Schools. *Teacher Education and Practice*, 13(2), p. 46-60.
- Bloom, I. (2003). The New Parental Rights Challenge to School Control: Has the Supreme Court Mandated School Choice? *Journal of Law & Education*, 32(2), p. 139-83.
- Bosetti, L. (2004). Determinants of school choice: Understanding how parents choose elementary schools in Alberta. *Journal of Education Policy*, 19(4), 387-405.
- Bulkley, K. (1999). Charter school authorizers: A new governance mechanism? *Educational Policy*, 13(5), 674.
- Bulkley, K., & Fidler, J. (2003). A decade of charter schools: From theory to practice. *Educational Policy*, 17(3), 317-342.
- Bush, L. (2004). Access, school choice, and independent black institutions - A historical perspective. *Journal of Black Studies*, 34(3), 386-401.
- Camilli, G., & Bulkley, K. (2001). Critique of "An Evaluation of the Florida A-Plus Accountability Program." *Education Policy Analysis Archives*, 9(7).
- Carnoy, M. (1998). National Voucher Plans in Chile and Sweden: Did Privatization Reforms Make for Better Education? *Comparative Education Review*, 42(3), p. 309-37.
- Codd, J. (1999). Educational reform, accountability and the culture of distrust. *New Zealand Journal of Educational Studies*, 34(1), 45-53.
- Conley, S. C., Gould, J., Muncey, D. E., & White, N. (2001). Negotiating a Local Pay for Performance Program Encouraged by State Mandate. *Journal of Personnel Evaluation in Education*, 15(2), 137.
- Cutter, M. (1996). City academy. *Phi Delta Kappan*, 78(1), 26.

- Davies, S. (2004). School Choice by Default? Understanding the Demand for Private Tutoring in Canada. *American Journal of Education*, 110(3), 233.
- Davies, S., Aurini, J., & Quirke, L. (2002). New Markets for Private Education in Canada. *Education Canada*, 42(3), p. 36-38.
- Duru-Bellat, M. (1996). Social Inequalities in French Secondary Schools: From Figures to Theories. *British Journal of Sociology of Education*, 17(3), 341-350.
- Dustmann, C. (2004). Parental background, secondary school track choice, and wages. *Oxford Economic Papers-New Series*, 56(2), 209-230.
- Estes, M. B. (2003). Zero Reject and School Choice: Students with Disabilities in Texas' Charter Schools. *Leadership and Policy in Schools*, 2(3), p. 213-35.
- Estes, M. B. (2004). Choice for all? Charter schools and students with special needs. *Journal of Special Education*, 37(4), 257-267.
- Fennimore, B. S. (2005). "Brown" and the Failure of Civic Responsibility. *Teachers College Record*, 107(9), 1905-1932.
- Ferraiolo, K., Hess, F., Maranto, R., & Milliman, S. (2004). Teachers' attitudes and the success of school choice. *Policy Studies Journal*, 32(2), 209-224.
- Feuerstein, A. (2002). Elections, voting, and democracy in local school district governance. *Educational Policy*, 16(1), 15.
- Fisher, D. (1990). Privatization and education: some reflections on changes in Canada. In L. Gordon & J. Codd (Eds.), *Education Policy and the Changing Role of the State* (pp. 45-60). Palmerston North: Delta.
- Fitz, J., & Beers, B. (2002). Education management organisations and the privatisation of public education: A cross-national comparison of the USA and Britain. *Comparative Education*, 38(2), 137.
- Fletcher-Campbell, F. (2001). *The Edison Schools Initiative: An Evaluation of the Evidence*
- Foucault, M. (1994). *Power* (Vol. 3). New York: The New Press.
- Friedman, M. (1962). *Capitalism and Freedom*. Chicago: University of Chicago Press.
- Fuller, B., Burr, E., Huerta, L., Puryear, S., & Wexler, E. (1999). School Choice: Abundant Hopes, Scarce Evidence of Results. *U.S. California*.
- Fusarelli, L. D. (2002). Charter schools: implications for teachers and administrators. *The Clearing House*, 76(1), 20-25.

- Fusarelli, L. D. (2004a). The potential impact of the No Child Left Behind Act on equity and diversity in American education. *Educational Policy*, 18(1), 71-94.
- Fusarelli, L. D. (2004b). The potential impact of the No Child Left Behind Act on equity and diversity in American education. *Educational Policy*, 18(1), 71.
- Gaskell, J. (1999). The Politics of School Choice in British Columbia: Citizenship, Equity and Diversity. *Canada British Columbia*.
- Glenn, C. (2005). The Challenge of Diversity and Choice. *Educational Horizons*, 83(2), 101-109.
- Gondak, D. (n.d.). Despite the promises, vouchers offer no panacea. *PSEA interactive*, <http://www.psea.org/article.cfm?SID=17>.
- Good, T. L., & Braden, J. S. (2000). The Great School Debate: Choice, Vouchers, and Charters. *U.S. New Jersey*.
- Gordon, L. (2003). School choice and the social market in New Zealand: educational reform in an era of increasing inequality. *International Studies in Sociology of Education*, 13(1), 17-34.
- Gordon, L., & Pearce, D. (2005). *School zoning since 1990: a Christchurch study*. Unpublished manuscript.
- Gordon, L., & Whitty, G. (1997). Giving the "Hidden Hand" a Helping Hand?: The Rhetoric and Reality of Neoliberal Education Reform in England and New Zealand. *Comparative Education*, 33(3), p. 453-67.
- Hanushek, E. A. (2003). The failure of input-based schooling policies. *The Economic Journal*, 113(485), F64.
- Harris, D. N., & Herrington, C. D. (2006). Accountability, Standards, and the Growing Achievement Gap: Lessons from the Past Half-Century. *American Journal of Education*, 112(2), 209.
- Haydn, T. (2004). The Strange Death of the Comprehensive School in England and Wales, 1965-2002. *Research Papers in Education*, 19(4), 415-432.
- Herr, K. (1999). Private Power and Privileged Education: De/constructing Institutionalized Racism. *International Journal of Inclusive Education*, 3(2), p. 111-29.
- Hirsch, D. (1995). *The other school choice: how oversubscribed schools select their students.*: Paper presented in a public lecture at London Institute of Education, May.

- Holme, J. J. (2002). Buying Homes, Buying Schools: School Choice and the Social Construction of School Quality. *Harvard Educational Review*, 72(2) , p. 177-205.
- Howe, K., & Ashcraft, C. (2005). Deliberative democratic evaluation: Successes and limitations of an evaluation of school choice. *Teachers College Record*, 2275-2298.
- Howe, K., Eisenhart, M., & Betebenner, D. (2002). The Price of Public School Choice. *Educational Leadership*, 59(7) , p. 20-24.
- Karen, D. (2005). No Child Left Behind? Sociology Ignored! *Sociology of Education*, 78(2), 165.
- Karsten, S. (1999). Neoliberal Education Reform in the Netherlands. *Comparative Education*, 35(3) , p. 303-17.
- Kennedy, M. (2002). Charter Schools: Threat or Boon to Public Schools? *American School & University*, 75(4) , p. 18-26.
- Kim, J., & Sunderman, G. L. (2003). Findings from the First Phase of School Choice Implementation in Three Districts: Buffalo, New York, Richmond, Virginia, DeKalb County, Georgia. *U.S. Massachusetts*.
- Kozol, J. (1991). *Savage Inequalities: Children in America's schools*. New York: Harper Perennial.
- Kupermintz, H. (2001). Effects of Vouchers: Another Look at the Florida Data. *Education Policy Analysis Archives*, 9(8).
- Lacireno-Paquet, N., Holyoke, T. T., Moser, M., & Henig, J. R. (2002). Creaming versus Cropping: Charter School Enrollment Practices in Response to Market Incentives. *Educational Evaluation and Policy Analysis*, 24(2) , p. 145-58.
- Laitsch, D. (2006). NCLB Meets School Realities: Lessons from the Field. *Teachers College Record*, 108(1), 103.
- Lauder, H., Hughes, D., Waslander, S., Thrupp, M., McGlenn, J., Newton, S., et al. (Cartographer). (1994). *The creation of market competition in New Zealand: an empirical analysis of a New Zealand secondary school market 1990-1993*.
- Lewis, A. C. (1996). A modest proposal for urban schools. *Phi Delta Kappan*, 78(1), 5.
- Lubienski, C. (2003). Innovation in education markets: Theory and evidence on the impact of competition and choice in charter schools. *American Educational Research Journal*, 40(2), 395-443.

- Lubienski, C. (2005). Public Schools in Marketized Environments: Shifting Incentives and Unintended Consequences of Competition-Based Educational Reforms. *American Journal of Education*, 111(4), 464.
- Lundahl, L. (2002). Sweden: decentralization, deregulation, quasi-markets - and then what? *Journal of Education Policy*, 17(6), 687-697.
- Marginson, S. (1999). Education and the trend to markets. *Australian Journal of Education*, 43(3), 229-239.
- McCulloch, G. (1989). *Neighbourhood schooling: the social geography of secondary education in 20th century Auckland*. Unpublished manuscript.
- McCulloch, G. (1990). Secondary school zoning: the case of Auckland. In H. a. N. e. Codd (Ed.), *Political Issues in New Zealand Education (second edition)*. (pp. 283-302). Palmerston North: Dunmore Press.
- Mickelson, R. A., & Southworth, S. (2005). When Opting Out Is Not a Choice: Implications for NCLB's Transfer Option from Charlotte, North Carolina. *Equity and Excellence in Education*, 38(3), 249-263.
- Miller-Kahn, L., & Smith, M. L. (2001). School Choice Policies in the Political Spectacle. *Education Policy Analysis Archives*, 9(50).
- O'Donoghue, T. A. (2000). Issues in primary and secondary education in Australia: past, present, future. *International Journal of Educational Reform*, 9(1), p. 50-58.
- Pearce, D., & Gordon, L. (2005). In the Zone: New Zealand's Legislation for a System of School Choice and its Effects. *London Review of Education*, 3(2).
- Peterson, P. E., & Others, A. (1996). School Choice in Milwaukee. *Public Interest*, (125) p. 38-56.
- Pipho, C. (1995). The changing governance scene. *Phi Delta Kappan*, 77(1), 6.
- Plank, D. N., Ed., & Sykes, G., Ed. (2003). Choosing Choice: School Choice in International Perspective. *U.S. New York*.
- Potts, A. (1999). Public and Private Schooling in Australia: Some Historical Considerations. *Phi Delta Kappan*, 81(3), p. 242-45.
- Premack, E. (1996). Charter schools: California's education reform 'power tool'. *Phi Delta Kappan*, 78(1), 60.
- Raham, H. (2003). A tale of two education systems: policy lessons from Sweden. *Policy Options*, October, 63-67.

- Reay, D. (1996). Contextualising Choice: Social Power and Parental Involvement. *British Educational Research Journal*, 22(5), p. 581-96.
- Reay, D., & Ball, S. J. (1997). "Spoilt for Choice": The Working Classes and Educational Markets. *Oxford Review of Education*, 23(1), p. 89-101.
- Reay, D., & Ball, S. J. (1998). "Making Their Minds Up": Family Dynamics of School Choice. *British Educational Research Journal*, 24(4), p. 431-48.
- Reay, D., & Lucey, H. (2000). Children, School Choice and Social Differences. *Educational Studies*, 26(1), p. 83-100.
- Ryan, J. E. (2004). The perverse incentives of the No Child Left Behind Act. *New York University Law Review*, 79(3), 932.
- Saporito, S. (2003). Private choices, public consequences: Magnet school choice and segregation by race and poverty. *Social Problems*, 50(2), 181-203.
- Seppanen, P. (2003). Patterns of 'public-school markets' in the Finnish comprehensive school from a comparative perspective. *Journal of Education Policy*, 18(5), 513-531.
- Shamon, J. (1996). Massachusetts Charter Schools: When Reform Goes Wrong. *Radical Teacher*(49), 17.
- Slee, R. (2001). 'Inclusion in practice': does practice make perfect? *Educational Review*, 53(2), 113-123.
- Snell, L. (2004). No child left behind: The illusion of school choice. *Current*(467), 16.
- Taylor, S. S. (2005). Special education and private schools - Principals' points of view. *Remedial and Special Education*, 281-296.
- Turnbull, H. R. (2005). Individuals With Disabilities Education Act Reauthorization: Accountability and Personal Responsibility. *Remedial and Special Education*, 26(6), 320.
- Weiher, G. R., & Tedin, K. L. (2002). Does Choice Lead to Racially Distinctive Schools? Charter Schools and Household Preferences. *Journal of Policy Analysis and Management*, 21(1), p. 79-92.
- West, A., & Bell, K. (2003). Specialist Schools: An Exploration of Competition and Co-operation. *Educational Studies*, 29(2/3), 273-289.
- West, A., & Hind, A. (2003). *Secondary School Admissions in England: Exploring the Extent of Overt and Covert Selection*. www.risetrust.org.uk/admissions.html: Research and Information on State Education Trust.

- West, A., Hind, A., & Pennell, H. (2003). *Secondary Schools in London: Admission criteria and cream skimming*. London: Centre for Educational Research, London School of Economic and Political Science.
- West, A., Hind, A., & Pennell, H. (2004). School Admissions and "Selection" in Comprehensive Schools: Policy and Practice. *Oxford Review of Education*, 30(3), 347-369.
- West, A., Pennell, H., & Hind, A. (2003). Secondary School Admissions - Selection by Stealth. *Education Journal*, 70, 2003-2005.
- Whitty, G., & Edwards, T. (1998). School Choice Policies in England and the United States: An Exploration of Their Origins and Significance. *Comparative Education*, 34(2), p. 211-27.
- Whitty, G., Power, S., & Halpin, D. (1997). *Devolution and Choice in Education: The School, The State and the Market*. Buckingham: Open University Press.
- Willis, P. (1977). *Learning to Labour: how working class kids get working class jobs*. Farnborough: Saxon House.
- Windler, W. (1996). Colorado's charter schools: A spark for change and a catalyst for reform. *Phi Delta Kappan*, 78(1), 66.
- Witte, J. (1998). The Milwaukee Voucher Experiment. *Educational Evaluation and Policy Analysis*, 20(4), p. 229-51.
- Witte, J. (1999). The Milwaukee voucher experiment: The good, the bad, and the ugly. *Phi Delta Kappan*, 81(1), 59.
- Wylie, C. (1999). Is the land of the flightless bird the home of the voucherless voucher? *New Zealand Journal of Educational Studies*, 34(1), 99-109.
- Yell, M. L., Drasgow, E., & Lowrey, K. A. (2005). No Child Left Behind and Students With Autism Spectrum Disorders. *Focus on Autism and Other Developmental Disabilities*, 20(3), 130.