We believe K-12 Captivity is America’s civil rights issue of the century for all the damage it continues to do. The question is, how do we ensure that no student remains captive in the public school system?
Too Big to Fix?

The Huge, Gigantic, Complicated U.S. Public Schooling Problem Mix-up

Everyone has an opinion on what is wrong with K-12 education. We’ve all been to school, had kids in school, watched some kids succeed and too many kids fail in school, read about America’s poor academic performance compared to other countries, seen expensive school buildings sit unused, etcetera, etcetera. We’ve heard that the problem is not enough money, low or nonexistent standards, leftwing curriculum, rightwing curriculum, too much testing, not enough testing, the wrong kind of testing, ineffective teachers, weak principals, problematic parenting, unmotivated students, poverty, etc., etc.

Here’s what we believe: There is a fundamental problem that underlies all other problems. Just as a house with a shoddy foundation will need expensive repairs and might eventually crumble, a school system built upon a bad foundation will not result in good schooling. And that’s what’s happening here.

The problem is K-12 Captivity. In this call to action, we will define K-12 Captivity and offer a way to stop it.

What Is K-12 Captivity?

K-12 Captivity – mandatory school assignment by residential area – is our shorthand term for the single, structural policy that, we believe, is the fundamental culprit underlying other U.S. public education related problems. With few exceptions, if a student wants or needs to attend a “free” public school, that student must attend the school located in their residential neighborhood.

It works like this: States use their legal authority to divide public schools into districts and attendance areas.¹ Then they require students to attend the public

¹ Hawai’i public schools operate through a statewide school district.
school in their neighborhoods – unless the state has enacted school choice options or the students’ families can afford to send their children to private schools. ²

This is important: K-12 Captivity has existed since states took over school districts long ago. Because it’s been here for so long – and because it’s buried in structure – we’ve missed it. We as a nation have been blinded to this essential, foundational, destructive policy. We must open our eyes and see it for what it is.

Concern about the educational effects of assigning children to a neighborhood public school is not new. Our attention to that captivity is new in that we: a) identify many significant unrecognized or overlooked captivity effects; b) assert additional effects as hypotheses, including a research strategy to assess them; and c) offer new and revised strategies to end captivity.

How Does this Single Policy Cause So Many Problems?

To repeat an old saying, “Follow the money.” In the U.S., “public schooling” includes only government schools.³ This is a crucial point: our public schools are systemically, constitutionally,⁴ and statutorily government schools. This means government not only funds the schools – government controls them, too. And, in our government schools, K-12 Captivity is the policy by which district school systems generate state per-pupil funding. Many other countries’ governments provide public money to students who attend a multitude of school types. These include government schools, private secular and/or religious schools, and other educational outlets. In those countries, students may attend the school of their choice, regardless of family income.

In other words, K-12 Captivity is the fundamental (structural) U.S. public school money-generating policy. Because money is tied to mandatory attendance – and because all public schools are government schools – U.S. public schools act on the basic premise that students are their property.

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² Sources for the information supporting this summary description include state constitutions and statutes (through both explicit and implicit provisions), and the existence of the school choice legislative battle across the states. For the latter, see School Choice Data Map | Hoover Institution.
³ We will address the (few) exceptions to this rule in later posts.
⁴ By state constitutional provisions.
Examples of How K-12 Captivity Is Fundamental to Most U.S. Public School Problems

Again, we believe that K-12 Captivity is behind most of our K-12 public schooling failures. In future posts we will discuss the following and other results of K-12 Captivity in detail. Our Center for K-12 Captivity Studies calls for research to explore these and other areas where K-12 Captivity is or might be associated with negative effects. Here, we mention but a few of the most tragic examples of K-12 Captivity effects.

One of the most egregious examples is school segregation, both economic and racial. Segregation persists despite court orders to the contrary, hundreds of millions of dollars spent on desegregation efforts, and educational disruption of many students who were forcibly bussed to other areas. Why? Because all these solutions kept the district and attendance area systems intact – this means they continued to respect the right of the public school systems to hold onto students as money-generating property.

Equally tragic, students with disabilities have advocated for different learning strategies while school system officials and legislatures have turned a deaf ear. State legislatures have held meetings and established task forces while continuing to acquiesce to state and district school authorities on the “best way” to instruct all students with disabilities.

But the public school system hasn’t stopped there, producing tragedy elsewhere. Among other future posts, we will explain how K-12 Captivity contributes insidiously to highly destructive school violence. Captivity traps urban students in poor schools – and we argue that urban student entrapment has produced a Captivity-to prison pipeline. Captivity also confines rural and suburban students to oversized, alienating schools – the locus of deadly rampage shootings.

5 Anderson, 1988; Owens et al., ©2020; García, 2018; Stern, 2018; Erikson, 2016.
6 Dunn, 2008.
7 Sources include testimony on 2018 HB 2506 to Kansas House Education Committee, February 2018. We are most familiar with the Kansas experience; however, we will be adding examples from other states as we gather them.
Last but certainly not least, K-12 Captivity has concentrated poverty around the worst public schools. By doing so, **K-12 Captivity perpetuates poverty**. We will address this in detail in a separate post.

Through these and other examples, we know that the school system treats students as property and school establishment members behave as if they are entitled to that property. We further hypothesize that K-12 Captivity is at the foundation of a multitude of other – and often related – problems. These include teacher pipeline and training problems, leadership pipeline and training problems, the achievement gap, school violence, and others.

**Isn’t the School Choice Movement Taking Care of K-12 Captivity?**

Despite the recent expansion of school choice options in some states, millions of U.S. students remain in substandard or otherwise unsuitable public schools and receive inadequate schooling.

To date, the school choice movement has relied on a single strategy: battling the traditional, captivity-based public school system and related political opponents through individual states’ election and lawmaking processes. Depending on the state, gatekeepers wield power at multiple process levels and in varying degrees of strength, illustrating both the intended utility and unintended transformation of the country’s political system due to perverse incentives.

One consequence of the American K-12 political amalgamation is that school leaders are poorly selected and trained and teachers are poorly trained. Poor selection and training have given rise to strong teachers’ unions, which collect dues and staunchly support elected officials. Seeking re-election, these officials become beholden to strong, wealthy organizations like teachers’ unions to get them re-elected. The re-election process has created a ruling class in a country purposely designed to not have one.

As the ruling class protects its power through this system, the current school choice fighters must fight an uphill battle against these political realities. This strategy is inherently defensive, because it requires choice advocates to bargain against other, powerful forces as they seek choice options for children. As a result, choice initiatives frequently fail or are whittled down to include only a select group of children in a state – in other words, that’s the only way the bill will pass.

The school
choice fighters deserve recognition: gaining foothold – even as exceptions to the rule – reflects tenacity and shrewd use of political tactics. However, given the defensive legislative strategy of these school choice advocates, the legislative “compromising” that necessarily happens means children are bargained away, only to remain K-12 Captives until someone tries again.

K-12 Captivity, coupled with this state-by-state political strategy, means that nationally, nearly 75 percent of students\(^\text{10}\) attend traditional public schools.\(^\text{11}\) While many students and their parents are satisfied with their public schools, millions more are K-12 Captives – unable to exit unsafe or otherwise unsuitable schools because they cannot afford to attend any private school alternative or move to a different public school.\(^\text{12}\)

We predict that, without a concerted national effort, most of these K-12 Captives will remain captive, as will the children who follow them into the world. We maintain that this is America’s travesty, as these children might fail to succeed to the level of their God-given abilities. Therefore, we call for a better strategy – one that will free all students from K-12 Captivity. Not just the lucky ones.

**Call to Action**

*We call for ongoing study of K-12 Captivity and a targeted national effort to end it.*

1. We will explain in subsequent posts why K-12 Captivity is destructive and dangerous. Specifically, we will:
   a. Explain in greater detail why we assert it is the foundational problem.
   b. Explain in detail what it does to insiders (such as teachers) in the school system.
   c. Explain established effects it has on students and conduct research regarding additional, hypothesized effects.
   d. Explain established effects it has in other areas of society and suggest research regarding additional hypothesized effects.
   e. Call for additional research to deepen our knowledge and understanding,

\(^{10}\) In 2021, the Census reported there was a total of 54.2 million students in kindergarten through grade 12 (Fabina, Hernandez, and McElrath, 2023).

\(^{11}\) Ritter, 2024.

\(^{12}\) Schwalbach, 2023; Payne, 2011; Guggenheim, 2010.
2. We propose a nationally based effort to end K-12 Captivity throughout the United States.

**Conclusion: We Must Resolve this Issue**

Earlier, we noted that many families are happy with the public schools their children must attend. Satisfaction with your child’s school is a gift, as any parent knows whose children have been in a school that does not suit their needs. Here’s a question, though: How many of these satisfied families moved to find suitable schools? How many just lucked into them?

Importantly, we do not aim to eliminate any school, including the public schools, in which children thrive and receive the best education possible for them. We strive to end one thing: the K-12 Captivity policy that keeps children from seeking the most suitable schooling possible for their individual needs.

Many supporters of our current public schools openly fight school choice for one primary reason: they want the money generated by students so the adults can protect the system from which they – those employed or empowered by that system – benefit. Unfortunately, this desire to protect that system comes without regard to the harm that K-12 Captivity does. In essence, public school system supporters who fight to keep students in their schools are fighting to keep the money.

U.S. public school officials and other insiders maintain that public schools are the ideal “democratic” educational system while forbidding families to choose the best education for their children. In plain and simple terms, then, this amounts to viewing students as property. We therefore call for one solution, which we must apply nationwide:

**Let our children go.**

**Stop the policy and practice of K-12 Captivity.**
References


