

K-12 Captivity



America's Civil Rights Issue of the Century

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 end the outrage of captivity? In other words, how do we ensure that no student remains captive in the public school system?

What Is the True Cause of Widespread Persistent K-12 School System Failure?

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, *etcetera, etcetera*.

Here's what we believe: There's a fundamental problem that underlies most, if not 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 cannot consistently provide 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.

Concern about assigning children to a neighborhood public school is not new – but many effects are alarming and egregious. Our term for it – K-12 Captivity – *is* new – and we chose it because

(a) We intend to provide *and emphasize* evidence of a multitude of negative captivity effects; and

(b) We have a comprehensive action plan to end captivity nationwide instead of bargaining for a limited number of students and funding state-by-state.

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 *key culprit* underlying other U.S. public education related problems. With few exceptions, ***if a student needs to attend a “free”¹ school, that student must attend the school located in the school district in which their residential neighborhood lies.***

¹ For most people, schools are never free. Government-subsidized schools are financed by taxes.

This policy consists of two tiers. The school district boundaries comprised the captivity boundaries in districts' early days when districts were small.² As populations grew, districts expanded and added schools, at which point they began creating attendance areas for individual schools within their boundaries.

It works like this: States use their legal authority to divide public schools into districts and attendance areas.³ Then they require students to attend the public school in their neighborhoods – unless the state has enacted educational freedom options or the students' families can afford to send their children to private schools.⁴

Important facts:

1. **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 many of its serious effects.** We as a nation have been blinded to many serious and damaging effects of trapping children in schools that do not serve their educational needs. Our goal is to remove the blinders and reveal what captivity has done to students, teachers, schools, families, and society.
2. **Many other liberal democracies don't hold their students captive.** For example, Italy, England, the Netherlands, and Israel have historically funded students' attendance at non-government schools.⁵
3. Concern about assigning children to a neighborhood public school is not new. **Our term for it – K-12 captivity – is new – and we're addressing it because**
 - a. **Many effects are alarming, egregious, and destructive, and we as individual states and as a nation must acknowledge them.** We intend to provide *and emphasize* evidence of a multitude of negative captivity effects.

² The school district as a unit of school organization preceded states' formal educational systems. According to Cubberley, 1916, 1922, "... as the schools developed, the smaller and irregular school district, rather than the town or the township, became the unit for educational organization and administration (Id., p. 5). Once accepted in these smaller, voluntary school settings, the district system became part of early state laws, many of which "... merely granted to the people of the different communities in the State the right to meet and form a school district, and to levy, legally, a property tax for schools" (Id., p. 10).

³ Hawai'i public schools operate through a statewide school district.

⁴ 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](#) .

⁵ Rogers Berner, 2024 (2).

- b. **We have a comprehensive action plan to end the outrageous policy of captivity nationwide instead of bargaining state-by-state for a limited number of students and all-too-frequently inequitable funding for students.**

Examples of How K-12 Captivity Is Fundamental to Most U.S. Public School Problems

Repeating our premise, 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.

School Segregation. One of the most egregious examples of captivity is school segregation, both economic and racial.⁶ 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.⁷ 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. Moreover, the captivity policies influence families with sufficient means to leave areas they might otherwise have remained in, thereby increasing income and, by correlation, racial segregation.

Poverty. Directly related to continued segregation, K-12 captivity concentrates poverty around the worst public schools. By doing so, **K-12 captivity perpetuates and magnifies poverty.** We will address this in detail in a separate post.

Students with Special Needs. Equally tragic, families of students with special needs have advocated for different learning strategies while school system officials and legislatures have essentially ignored their requests. 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.⁸

⁶ Anderson, 1988; Owens et al., ©2020; García, 2018; Stern, 2018; Erikson, 2016.

⁷ Dunn, 2008.

⁸ Sources include testimony on 2018 HB 2506 to Kansas House Education Committee, Feb 2018. We are most familiar with the Kansas experience; however, we will be adding examples from other states as we gather them.

Links to School Violence and Incarceration. 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.⁹ Captivity also confines rural and suburban students to oversized, alienating schools – the locus of deadly rampage shootings.¹⁰

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 between populations isolated by segregation, academic performance in general, and others.

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.¹¹ This is a crucial point: our public schools are systemically, constitutionally,¹² 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) power behind the 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.

Because students are viewed as school systems' property, schools have no incentive to improve. They do, instead, have every incentive to ask for more money

⁹ Muñiz, 2021; Allen & Whitt, 2020; Butts & Travis, 2002; Hellman & Beaton, 1986; Arendt, 1970, 1969.

¹⁰ Muñiz, 2021; Rose, 2009; Leung, 2008.

¹¹ We will address the (few) exceptions to this rule in later posts.

¹² By state constitutional provisions.

to continue doing the same things. And, in a flash, a system whose stated purpose is to educate children becomes a system whose unstated purpose is to benefit adults. We will explain this phenomenon in great detail in future posts.

Note we are not saying all government schools fail all students. But many government schools fail far too many students – and, by extension, society. We intend to point out what we already know about these failures. We also will find evidence of additional failures in forthcoming research.

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

Despite the recent expansion of educational freedom 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 educational freedom 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.

If you doubt this analysis, just look at recent educational freedom victories. Of the eleven states’ universal private choice policies that state legislatures have recently adopted,¹³ (a) all of them occurred after the COVID-19 pandemic forced parents to realize the existence of many serious public school problems; and (b) all but two of the eleven states required the political trifecta of Republican Governors, Republican-led Houses of Representatives, and Republican-led Senates.

Americans cannot sustain this model for three important reasons.

First: K-12 captivity has become a partisan political issue wherein maintaining captivity is supported by big government bureaucracies (school districts, state departments of education, and the federal department of education) and quasi-government organizations (for example, teachers’ unions).

Second: Closely related, the fact that the above-mentioned power brokers have transformed the problem into one of partisan politics, children and their champions must depend on these politics for school choice success. As noted, all but two of the eleven recent “universal” state wins required Republican trifectas. And we are quickly running out of Republican trifecta states.

The third reason must be stated in a question: Clearly the COVID-19 pandemic influenced educational freedom policy action. To reset the other states which are far more protective of the government school systems, must we first endure another deadly crisis such as the COVID-19 pandemic?

K-12 captivity, coupled with this state-by-state political strategy, means that nationally, nearly 75 percent of students¹⁴ attend traditional public schools.¹⁵ 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.¹⁶

¹³ These include universal education savings account programs in Arizona, Arkansas, Florida, Indiana, Iowa, Louisiana, North Carolina, Ohio, Utah, and West Virginia, and a universal tuition tax credit program in Oklahoma.

¹⁴ In 2021, the Census reported there was a total of 54.2 million students in kindergarten through grade 12 (Fabina, Hernandez, and McElrath, 2023).

¹⁵ Ritter, 2024.

¹⁶ Schwalbach, 2023; Payne, 2011; Guggenheim, 2010.

We predict that, without a [concerted national effort](#), most of the current K-12 Captives will remain captive, as will the children who follow them into the world. We maintain that this is America's travesty – an outrage - as those 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 and how 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,
2. We will 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 system openly fight educational freedom 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, yet they forbid 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.

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