

Notes

Introduction School Choice: A Brief Overview

NOTES TO PAGES 1–3

1. See as examples for Germany, Frank-Rüdiger Jach, *Schulvielfalt als Verfassungsgebot* (Berlin: Duncker & Humblot, 1991); for the United Kingdom, G. Walford, ed., *School Choice and the Quasi-Market* (Wallingford: Triangle Books, 1996); for the United States, Peter W. Cookson, *School Choice: The Struggle for the Soul of American Education* (New Haven and London: Yale University Press, 1994); and for Australia and New Zealand, Geoff Whitty, Sally Power, and David Halpin, *Devolution and Choice in Education: The School, the State and the Market* (Buckingham, England: Open University Press, 1998). See also the comparative OECD Report with examples from Australia, England, New Zealand, the Netherlands, Sweden, and the United States, Centre for Educational Research and Innovation, *School: A Matter of Choice* (Paris: Organization for Economic Co-operation and Development, 1994).
2. John E. Chubb and Terry M. Moe, *Politics, Markets, and America's Schools* (Washington, DC: Brookings Institution, 1990), p. 219.
3. On this see Diane Ravitch, *The Troubled Crusade: American Education 1945–1980* (New York: Basic Books, 1983), pp. 308–311.
4. For the German side on this see Günter Püttner, “Die Sprengelpflicht,” *Recht der Jugend und des Bildungswesens: Zeitschrift für Schule, Berufsbildung und Jugendberziehung* 40 (1992): 230–235. In the United States, the neighborhood school concept expresses a similar practice, albeit in less forceful and legalistic language.
5. Three noteworthy exceptions are William W. Cutler, III, *Parents and Schools: The 150-year Struggle for Control in American Education* (Chicago: University of Chicago Press, 2000); Otto F. Kraushaar, *Private Schools: From the Puritans to the Present* (Bloomington, IN: Phi Delta Kappa

- Educational Foundation, 1976); and Nancy Beadie and Kim Tolley, eds., *Chartered Schools: Two Hundred Years of Independent Academies in the United States, 1727–1925* (New York: RoutledgeFalmer, 2002).
6. See Bernard Bailyn, *Education in the Forming of American Society* (New York: Vintage, 1960); and Lawrence Cremin, *The Wonderful World of Ellwood Patterson Cubberley* (New York: Teachers College Press, Columbia University, 1965).
 7. One outstanding exception is Wayne E. Fuller, *The Old Country School* (Chicago: University of Chicago Press, 1982).
 8. See Hermann Röhrs and Volker Lenhart, *Progressive Education Across the Continents* (Frankfurt am Main: Peter Lang, 1995).
 9. See Jürgen Oelkers, *Reformpädagogik: Eine kritische Dogmengeschichte* (Weinheim and München: Juventa Verlag, 1989) and my review essay of Röhrs and Lenhart, *Progressive Education*, “Toward a Theory of Progressive Education,” *History of Education Quarterly* 37 (Spring 1997): 45–59.
 10. Arbeitsgruppe Bildungsbericht, Max Planck Institut für Bildungsgeschichte, *Das Bildungswesen in der Bundesrepublik Deutschland* (Hamburg: Rowohlt, 1990), pp. 140–143.
 11. Frank-Rüdiger Jach, *Schulverfassung und Bürgergesellschaft in Europa* (Berlin: Duncker & Humblot, 1999), p. 253.
 12. Hellmut Becker, “Die verwaltete Schule (1954),” in *Quantität und Qualität: Grundfragen der Bildungspolitik* (Freiburg im Breisgau: Verlag Rombach, 1962), p. 148.
 13. See my “An International Brotherhood of Whigs: Nineteenth Century School Reformers in the United States and Prussia,” *Education Research and Perspectives* 21, no. 2 (2004): 1–10.
 14. Henry Geitz, Jürgen Heideking, and Jürgen Herbst, eds., *German Influences on Education in the United States to 1917* (Cambridge: Cambridge University Press, 1995).

1 Beginnings

1. See Jon Teaford, “The Transformation of Massachusetts Education, 1670–1780,” reprinted in *The Social History of American Education*, ed. B. Edward McClellan and William J. Reese (Urbana: University of Illinois Press, 1988), p. 35.
2. James B. Conant, *Thomas Jefferson and the Development of American Public Education* (Berkeley: University of California Press, 1962), p. 110.
3. Pierre Samuel du Pont de Nemours, *National Education in the United States of America* (Newark: University of Delaware Press, 1923), pp. 147–148.

4. For more on these various proposals and for the locations of the quoted passages see Frederick Rudolph, *Essays on Education in the Early Republic* (Cambridge: Harvard University Press, 1965), pp. 10, 14, 17, 64, 66–68, 82, 113, 138, 210, 318–319.
5. See on this Siobhan Moroney, “Birth of a Canon: The Historiography of Early Republican Educational Thought,” *History of Education Quarterly*, 39 (Winter 1999): 476–491.
6. In this and the preceding paragraph I rely heavily on Carl F. Kaestle and Maris A. Vinovskis, *Education and Social Change in Nineteenth-Century Massachusetts* (Cambridge: Cambridge University Press, 1980), pp. 9–27.
7. See my *The Once and Future School: Three Hundred and Fifty Years of American Secondary Education* (New York: Routledge, 1996), pp. 42–45.
8. See my *From Crisis to Crisis: American College Government 1636–1819* (Cambridge: Harvard University Press, 1982), pp. 139, 168–169.
9. Regent Minutes, *Journals of the Legislature of the State of New York, Assembly Journal*, February 28, 1832.
10. See Frank C. Abbott, *Government Policy and Higher Education: A Study of the Regents of the University of the State of New York, 1784–1949* (Ithaca, NY: Cornell University Press, 1958), *passim*, and my “The Regents of the University of the State of New York, 1784–1920: Secondary Education Emerges in the New Nation,” in Antonio Novoa, Marc Depaepe, and Erwin V. Johanningsmeier, eds., “The Colonial Experience in Education,” *Paedagogica Historica*, Supplementary Series 1(1995): 317–333.
11. Committee on Colleges, Academies, and Common Schools, Regent Minutes, *Assembly Journal*, March 6, 1821.
12. See my *The Once and Future School*, pp. 55–56.
13. See my *The Once and Future School*, pp. 58–60.
14. See Lawrence A. Cremin, *American Education: The National Experience 1783–1876* (New York: Harper & Row, 1980), p. 151.
15. E. G. West, *Education and the State: A Study in Political Economy*, 3rd ed., rev. and exp. (Indianapolis: Liberty Fund, 1994), pp. 297–391.
16. David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge: Harvard University Press, 1974), pp. 33–34.
17. For an account and analysis of the 1840 school board election see Kaestle and Vinovskis, *Education and Social Change*, pp. 213–232.
18. Editorial in *The Massachusetts Teacher* 4(1851): 289–291.
19. Henry Barnard, *Report on the Condition and Improvement of the Public Schools of Rhode Island* (Providence, RI, B. Cranston and Co. 1845), p. 50, reprinted in *Henry Barnard on Education*, ed. John S. Brubacher (New York: McGraw-Hill, 1931), p. 276.

20. Kaestle and Vinovskis, *Education and Social Change*, pp. 212–213, 208.
21. Kaestle and Vinovskis, *Education and Social Change*, pp. 225–235.
22. See Maris A. Vinovskis, *The Origins of Public High Schools: A Reexamination of the Beverly High School Controversy* (Madison: University of Wisconsin Press, 1985), p. 111.
23. See Carl F. Kaestle who in his *Pillars of the Republic: Common Schools and American Society, 1780–1860* (New York: Hill and Wang, 1983), p. 147, calls localism “one of the most enduring and pervasive sources of conflict in American educational history.”
24. Carl F. Kaestle, *The Evolution of an Urban School System: New York City, 1750–1850* (Cambridge: Harvard University Press, 1973), pp. 68–71.
25. Diane Ravitch, *The Great School Wars: New York City, 1805–1973: A History of the Public Schools as Battlefield of Social Change* (New York: Basic Books, 1974), pp. 36, 59, 43, and *passim*.
26. Kaestle, *The Evolution of an Urban School System*, p. 149.
27. Vincent P. Lannie, *Public Money and Parochial Education: Bishop Hughes, Governor Seward, and the New York School Controversy* (Cleveland: Press of Case Western University, 1968), especially Chapter 12.
28. David Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820–1980* (New York: Basic Books, 1982), p. 78.
29. Leonhard Froese and W. Krawietz, eds., *Deutsche Schulgesetzgebung (1763–1952)*, 2nd ed. (Weinheim: Julius Beltz, 1968), pp. 91, 94, 105–111. See also Heinrich Lewin, *Geschichte der Entwicklung der preussischen Volksschule* (Leipzig: Dürr’sche Buchhandlung, 1910), pp. 42–91.
30. Froese and Krawietz, *Deutsche Schulgesetzgebung*, p. 23, and Lewin, *Entwicklung*, pp. 142–146.
31. See Franzjörg Baumgart, *Zwischen Reform und Reaktion: Preussische Schulpolitik 1806–1859* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990), p. 55.
32. See Hans Heckel, *Schulrecht und Schulpolitik: Der Einfluß des Rechts auf die Zielsetzung und den Erfolg in der Bildungspolitik* (Neuwied/Berlin: Hermann Luchterhand Verlag, 1967), p. 49.
33. Cited in Frank-Michael Kuhlemann, *Modernisierung und Disziplinierung: Sozialgeschichte des preussischen Volksschulwesens 1794–1872* (Göttingen: Vandenhoeck & Ruprecht, 1992), p. 64. In German the relevant terms are: While schools are *Veranstaltungen des Staates*, they are not *Staatsanstalten*.

34. Kuhlemann, *Modernisierung*, p. 86.
35. Baumgart, *Zwischen Reform und Reaktion*, pp. 66–78.
36. Manfred Heinemann, *Schule im Vorfeld der Verwaltung: Die Entwicklung der preußischen Unterrichtsverwaltung von 1771–1800* (Göttingen: Vandenhoeck und Ruprecht, 1974), p. 33.
37. Heinemann, *Schule im Vorfeld*, pp. 24–25.
38. Zedlitz's proposals, "Vorschläge zur Verbesserung des Schulwesens in den Königlichen Landen," were first published in the *Berlinische Monatsschrift* 10 (1787): 97–116. They have been conveniently reprinted in Christa Berg, ed., *Staat und Schule oder Staatsschule? Stellungnahmen von Pädagogen und Schulpolitikern zu einem unerledigten Problem, 1781–1889* (Königstein: Athenäum, 1980), pp. 1–9. They are discussed in Heinemann, *Schule im Vorfeld*, pp. 152–156.
39. See Baumgart, *Zwischen Reform und Reaktion*, p. 17.
40. Heinemann, *Schule im Vorfeld*, p. 168.
41. Baumgart, *Zwischen Reform und Reaktion*, pp. 22–24.
42. See Berg, *Staat und Schule oder Staatsschule?* pp. 10–21.
43. Berg, *Staat und Schule oder Staatsschule?*, pp. xviii–xix and 22–36.
44. "Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staats zu bestimmen (1792)," in Wilhelm von Humboldt, *Werke in Fünf Bänden*, ed. Andreas Flitner and Klaus Giel (Darmstadt: Wissenschaftliche Buchgesellschaft, 1960), 1: 56–233. (Section on public education in Chapter 6 appears on pp. 103–109.) See also the English language edition, J. W. Burrow, ed., *The Limits of State Action* (Indianapolis: Liberty Fund, 1993), pp. 46–52.
45. Quoted in Herbert Scurla, *Wilhelm von Humboldt: Werden und Wirken* (Berlin: Verlag der Nation, 1970), pp. 81 and 201.
46. Cf. the interpretation advanced in Ursula Krautkrämer, *Staat und Erziehung: Begründung öffentlicher Erziehung bei Humboldt, Kant, Fichte, Hegel und Schleiermacher* (München: Johannes Berchmans Verlag, 1979), p. 77.
47. Cited in Kuhlemann, *Modernisierung und Disziplinierung*, p. 76.
48. See "Königsberger und Litauischer Schulplan," in Humboldt, *Werke*, 4: 181–184, and "Bericht an Altenstein über die Finanzgrundsätze der Sektion," in Humboldt, *Werke*, pp. 283–284.
49. Cf. Ursula Krautkrämer, *Staat und Erziehung*, p. 77.
50. See Frederic Lilge, *The Abuse of Learning: The Failure of the German University* (New York: Farrar, Straus and Giroux, 1948), p. 52.
51. See Johann Gottlieb Fichte, "Reden an die deutsche Nation," in *Sämmtliche Werke*, ed. I. H. Fichte (Berlin: Veit, 1846), 7: 271–427.

52. Berg, *Staat und Schule oder Staatsschule?*, pp. xix–xi; Johann Friedrich Herbart, “Über Erziehung unter öffentlicher Mitwirkung, (1810),” in *Berg, Staat und Schule oder Staatsschule?*, pp. 37–45.
53. F. E. D. Schleiermacher, “Über den Beruf des Staates zur Erziehung (1814),” in *Ausgewählte pädagogische Schriften*, selected by Ernst Lichtenstein (Paderborn: Verlag Ferdinand Schöningh, 1959), pp. 28–29.
54. Kuhlemann, *Modernisierung*, p. 77.
55. Kuhlemann, *Modernisierung*, pp. 80–82, 348–349.

2 The Systematization of Public Education

1. See on this William J. Reese, *Power and the Promise of School Reform: Grassroots Movements during the Progressive Era* (Boston: Routledge & Kegan Paul, 1986), p. 4.
2. Quoted in Stanley K. Schultz, *The Culture Factory: Boston Public Schools, 1789–1860* (New York: Oxford University Press, 1973), pp. 269–270.
3. Louis R. Harlan, *Separate and Unequal: Public School Campaigns and Racism in the Southern Seaboard States 1901–1915* (New York: Atheneum, 1968), p. 3.
4. Jacqueline Jones, *Soldiers of Light and Love: Northern Teachers and Georgia Blacks, 1865–1873* (Athens: University of Georgia Press, 1992), p. 14.
5. Carter Godwin Woodson, *The Mis-Education of the Negro* (Washington, DC: Associated Publishers, 1933), p. 28, and his *The Education of the Negro prior to 1861*, 2nd ed. (Washington, DC: Associated Publishers, 1919), p. 17.
6. W. E. B. DuBois, *Black Reconstruction in America* (New York: Russell & Russell, 1935), pp. 638 and 645.
7. See Christopher M. Span, “Alternative Pedagogy: The Rise of the Private Black Academy in Early Postbellum Mississippi, 1862–1870,” in *Chartered Schools: Two Hundred Years of Independent Academies in the United States, 1727–1925*, ed. Nancy Beadie and Kim Tolley (New York and London: RoutledgeFalmer, 2002), pp. 211–227.
8. From the *Congressional Globe*, 41st Cong., 1st sess., 1879, 49, pt. 1: 1735, cited in Lloyd P. Jorgenson, *The State and the Non-Public School, 1825–1925* (Columbia: University of Missouri Press, 1987), p. 137.
9. Henry Wilson, “New Departure of the Republican Party,” *The Atlantic Monthly* 27 (January 1871): 119–120. See also Jorgenson, *The State and the Non-Public School, 1825–1925*, pp. 137–138.

10. Cited from *Catholic World* 13 (April 1871): 1–14.
11. Otto F. Kraushaar, *American Nonpublic Schools: Patterns of Diversity* (Baltimore: Johns Hopkins University Press, 1972), p. 14.
12. *Everson v. Board of Education*, 330 U.S. 1, 16 (1947). Speaking for the majority Justice Black declared constitutional a New Jersey statute that authorized school districts to use tax money to compensate parents for bus transportation of their children to school, even when some of the children were bussed to parochial schools. The state, said Justice Black, did not contribute money to schools. It did no more “than to provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.” To make sure that his ruling did not in any way question or overturn the traditional interpretation of the Establishment Clause, he added: “The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.”
13. In the preceding three paragraphs I have relied heavily on Lloyd P. Jorgenson’s two books, *The State and the Non-Public School, 1825–1925*, pp. 136–144, and *The Founding of Public Education in Wisconsin* (Madison: State Historical Society, 1956), pp. 50–110. I should like to acknowledge my indebtedness to him.
14. For more on the Wisconsin High School in the nineteenth century see my *The Once and Future School: Three Hundred and Fifty Years of American Secondary Education* (New York: Routledge, 1996), pp. 79–91.
15. For rural opposition to the schoolmen see Wayne E. Fuller, *The Old Country School* (Chicago: University of Chicago Press, 1982) and, for a different interpretation, Paul Theobald, *Call School: Rural Education in the Midwest to 1918* (Carbondale: Southern Illinois University Press, 1995).
16. On the diversity of private educational institutions see Beadie and Tolley, *Chartered Schools*, my “Diversification in American Higher Education,” in *The Transformation of Higher Learning 1860–1930*, ed. Konrad H. Jarausch (Stuttgart: Klett-Cotta, 1982), pp. 196–206, and James McLachlan, *American Boarding Schools: A Historical Study* (New York: Charles Scribner’s Sons, 1970).
17. These figures are a bit misleading because before 1890 the reports of the U.S. Commissioner of Education did not include the students enrolled in the few rural public high schools.
18. On the Platteville Story see my *And Sadly Teach: Teacher Education and Professionalization in American Culture* (Madison: University of Wisconsin Press, 1989), pp. 128–135.

19. "Chapter 323," *Laws of Wisconsin . . . in the Year 1875* (Madison: E. B. Bolens, 1875), pp. 623–629.
20. Joseph Schafer, "Genesis of Wisconsin's Free High School System," *Wisconsin Magazine of History* 11 (1926):148.
21. In *Report of the State Superintendent: 1877* (Madison: E.B. Bolens, 1877), p. liii.
22. In *Report of the State Superintendent: 1882* (Madison: David Atwood, 1882), pp. 25–26.
23. In *Biennial Report of the State Superintendent: 1899/1890* (Madison: Democratic Printing Company, 1890), p. 14.
24. "Chapter 493," *Laws of Wisconsin*, 1909.
25. The term "educators in overalls" is Wayne Fuller's. See Chapter 5 in his *The Old Country School*.
26. Fuller, *The Old Country School*, p. 155.
27. Fuller, *The Old Country School*, p. 235, and David R. Reynolds, *There Goes the Neighborhood: Rural School Consolidation at the Grass Roots in Early Twentieth-Century Iowa* (Iowa City: University of Iowa Press, 1999), pp. 85–89.
28. Fuller, *The Old Country School*, p. 245.
29. See Joseph Schafer, *Four Wisconsin Counties* (Madison: State Historical Society, 1927), pp. 235–237.
30. See my *The Once and Future School*, pp. 65–66.
31. David Tyack, *The One Best System: A History of American Urban Education* (Cambridge: Harvard University Press, 1974), p. 127.
32. Tyack, *The One Best System*, p. 176.
33. See William J. Reese, *Power and the Promise of School Reform: Grassroots Movements during the Progressive Era* (Boston: Routledge & Kegan Paul, 1986), pp. 16–18.
34. David Angus and Jeffrey E. Mirel, *The Failed Promise of the American High School, 1890–1995* (New York: Teachers College, Columbia University, 1999), p. 9.
35. See the illuminating essay of Robert H. Wiebe, "The Social Functions of Public Education," *American Quarterly* 21(1969): 147–164.
36. See G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, ed. Johannes Hoffmeister, 4th ed.(Hamburg: Felix Meiner, 1955), §294, pp. 256–257, and Ursula Krautkrämer, *Staat und Erziehung* (München: Johannes Berchmans Verlag, 1979), pp. 245–249.
37. See Wilhelm von Humboldt, "Der Königsberger und der Litauische Schulplan," in *Schriften zur Politik und zum Bildungswesen*, in *Werke*, ed. Andreas Flitner and Klaus Giel (Stuttgart: J. G. Cotta, 1964), 4: 168–195.

38. See Karl Bungardt, *Die Odysee der Lehrerschaft: Sozialgeschichte eines Standes* (Hannover: Hermann Schroedel, 1965), pp. 29–30.
39. See Anthony J. LaVopa, *Prussian Schoolteachers: Profession and Office, 1763–1848* (Chapel Hill: University of North Carolina Press, 1980), p. 123.
40. See §8 of Süvern's 1819 draft of a general Prussian school law in Lothar Schweim, ed., *Schulreform in Preussen, 1809–1919: Entwürfe und Gutachten* (Weinheim: Julius Beltz, 1966), pp. 128–131.
41. Süvern to Theological Faculty Berlin, December 15, 1823, ms. in Zentrales Staatsarchiv Merseburg, repository 76, VII, new section 1C, general, part 1, no. 1, vol. 1.
42. §87 of Süvern's 1819 draft in Schweim, *Schulreform*, p. 200.
43. §86 of Süvern's 1819 draft in Schweim, *Schulreform*, pp. 197–198.
44. §§19–21 of Süvern's 1819 draft in Schweim, *Schulreform*, pp. 144–146.
45. §87 of Süvern's 1819 draft in Schweim, *Schulreform*, p. 201.
46. For a detailed discussion of Süvern's draft see Luise Wagner-Winterhager, *Schule und Eltern in der Weimarer Republik* (Weinheim und Basel: Beltz Verlag, 1979).
47. Beckedorff's memorandum on Süvern's proposal, submitted in a government bill, is reprinted in Schweim, *Schulreform*, pp. 222–244. The quotations are from pp. 228, 233–234.
48. Beckedorff, Fragment concerning Teacher Seminaries, no. 1820, ms. in Geheimes Staats Archiv Berlin-Dahlem, repository 92, no. 25, pp. 61–64.
49. F. W. III to Altenstein, June 15, 1822, ms. in Zentrales Staats Archiv Merseburg, repository 76, VII, new Section 1C, general, part 1, no. 1, vol. 1, and memorandum of Richter, February 10, 1822; *ibid.*
50. Altenstein to all consistories and provincial governments, July 24, 1822, ms. in Geheimes Staats Archiv Berlin-Dahlem, repository 92, no. 25, pp. 311–314.
51. Karl Friedrich Wilhelm Wander, *Der Kampf um die Schule: Bildungspolitische und Pädagogische Schriften* (Berlin: Volk and Wissen, 1979), 2:41. For more information on the Prussian teachers' role in the revolution of 1848 see Nipperdey, "Volksschule und Revolution im Vormärz," in *Politische Ideologien und Nationalstaatliche Ordnung, Festschrift für Theodor Schieder*, ed. Kurt Kluxen and Wolfgang J. Mommsen (München und Wien: Oldenbourg, 1968), p. 113, and Wilhelm Appens, *Die pädagogischen Bewegungen des Jahres 1848* (Elberfeld: Sam. Lucas, 1917). Cf. also Franzjörg Baumgart, *Zwischen*

- Reform und Reaktion: Preußische Schulpolitik 1806–1859* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1900), pp. 144–145, 162.
52. Reprinted in Berthold Michael and Heinz-Hermann Schepp, eds., *Politik und Schule von der Französischen Revolution bis zur Gegenwart; Eine Quellensammlung zum Verhältnis von Gesellschaft, Schule und Staat im 19. und 20. Jahrhundert* (Frankfurt: Athenäum Verlag, 1973), 1:313–314.
53. See Ferdinand Stiehl, *Die drei preussischen Regulative vom 1., 2. und 3. Oktober 1854 über Einrichtung des evangelischen Seminar-, Präparanden- und Elementarschulunterrichts* (Berlin: Hertz, 1854).
54. *Regulativ für den Unterricht in den evangelischen Schullehrer-Seminarien der Monarchie* (Berlin: Schade, 1854), pp. 3–4.
55. “Regulativ für die Einrichtung und Unterricht der evangelischen einklassigen Elementarschule,” in Michael and Schepp, *Politik und Schule*, pp. 315–316.
56. Karl-Ernst Jeismann, “Die Stiehlschen Regulative,” in *Dauer und Wandel der Geschichte*, ed. Rudolf Vierhaus and Manfred Botzenhart (Münster: Aschendorff, 1966), p. 432.
57. Cf. Peter Martin Roeder, “Gemeindeschule in Staatshand: Zur Schulpolitik des Preußischen Abgeordnetenhauses,” *Zeitschrift für Pädagogik* 12 (1966): 560–561.
58. Roeder, “Gemeindeschule in Staatshand,” pp. 552–555.
59. Roeder, “Gemeindeschule in Staatshand,” pp. 556, 558.
60. Adolph Diesterweg, “Die Freie Schule im Freien Staat,” in *Schriften und Reden in zwei Bänden*, ed. Heinrich Deiters (Berlin/Leipzig, Volk und Wissen 1950), 2: 507–511.
61. See on this Luise Wagner-Winterhager, *Schule und Eltern in der Weimarer Republik: Untersuchungen zur Wirksamkeit der Elternbeiräte in Preußen und der Elternräte in Hamburg 1918–1922* (Weinheim und Basel: Beltz Verlag, 1979), pp. 30–32.
62. See Karl-Ernst Jeismann, “Preußische Bildungspolitik vom ausgehenden 18. bis zur Mitte des 19. Jahrhunderts. Thesen und Probleme,” in *Zur Bildungs—und Schulgeschichte Preußens*, ed. Udo Arnold (Lüneburg: Nordostdeutsches Kulturwerk, 1988), pp. 29–30.
63. See my *The Once and Future School*, p. 19.
64. Baumgart, *Zwischen Reform und Reaktion*, p. 97.
65. Detlef K. Müller, “The Process of systematisation: The case of German secondary education,” in *The Rise of the Modern Educational System: Structural Change and Social Reproduction, 1870–1920*, ed. Detlef K. Müller, Fritz Ringer and Brian Simon (Cambridge: Cambridge University Press, 1987), p. 23.

66. Müller, “The Process of systematisation,” p. 24.
67. See documents in Michael and Schepp, *Politik und Schule*, 1: 414–421.
68. Ludwig Schacht, *Über die Gleichberechtigung der Realschule I. Ordnung mit dem Gymnasium* (Elberfeld: Lucas, 1878), p. 66.
69. Hans-Georg Herrlitz, Wulf Hopf, and Hartmut Titze, *Deutsche Schulgeschichte von 1800 bis zur Gegenwart: Eine Einführung* (Weinheim and München: Juventa, 1993), p. 107.
70. Herrlitz, Hopf, and Titze, *Deutsche Schulgeschichte*, p. 109.
71. Michael and Schepp, *Politik und Schule*, 1: 409–414.
72. Georg Kerschensteiner, *Staatsbürgerliche Erziehung der deutschen Jugend: Gekrönte Preisarbeit* (Erfurt: K. Villaret, 1901).
73. James C. Albisetti, *Schooling German Girls and Women: Secondary and Higher Education in the Nineteenth Century* (Princeton, NJ: Princeton University Press, 1988), p. 158.
74. Albisetti, *Schooling German Girls and Women*, pp. 206–209.
75. Michael and Schepp, *Politik und Schule*, 1: 423.
76. Albisetti, *Schooling German Girls and Women*, p. 304.
77. Michael and Schepp, *Politik und Schule*, 1: 425–427.
78. Albisetti, *Schooling German Girls and Women*, p. 293.

3 School Governance and School Choice 1900–1950

1. Raymond E. Callahan reports on Page 214 of his *Education and the Cult of Efficiency: A Study of the Social Forces that have Shaped the Administration of the Public Schools* (Chicago: University of Chicago Press, 1962), that in the academic year 1909–1910 Teachers College awarded 73 graduate degrees in education that included 13 with professional diplomas in administration and supervision. In 1923–1924 that number had grown to 939 graduate degrees with 390 professional diplomas in administration and supervision.
2. Quoted in Callahan, *Education and the Cult of Efficiency*, p. 217.
3. Callahan, *Education and the Cult of Efficiency*, p. 220.
4. On the trend to view teachers as employees rather than professionals see my “Professionalization in Public Education, 1890–1920: The American High School Teacher,” in *Bildungsbürgertum im 19. Jahrhundert: Bildungssystem und Professionalisierung im internationalen Vergleich*, ed. Werner Conze and Jürgen Kocka (Stuttgart: Klett-Cotta,

- 1985), pp. 495–528, and the Chapter on “Professionalization: The Betrayal of the Teacher,” in my *And Sadly Teach: Teacher Education and Professionalization in American Culture* (Madison: University of Wisconsin Press, 1989), pp. 161–184.
5. David Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820–1980* (New York: Basic Books, 1951), p. 106.
 6. For the school–home relationship in the early twentieth century and the situation in Delaware see William W. Cutler III, *Parents and Schools: The 150 Year Struggle for Control in American Education* (Chicago: University of Chicago Press, 2000), pp. 8, 115–126.
 7. On this see William J. Reese, *Power and the Promise of School Reform: Grassroots Movements During the Progressive Era* (Boston: Routledge & Kegan Paul, 1986), pp. 46–50.
 8. Reese, *Power and the Promise of School Reform*, p. 79.
 9. Quotations are to be found in Lawrence A. Cremin, *The Transformation of the School: Progressivism in American Education, 1876–1957* (New York: Alfred A. Knopf, 1961), pp. 245, 246, 250.
 10. Cremin, *The Transformation*, pp. 250–251.
 11. Cutler, *Parents and Schools*, pp. 66–67.
 12. The address appeared first as “Dare Progressive Education Be Progressive?” *Progressive Education* 9(1932): 257–263.
 13. See Chapter 6, “Progressive Education under Fire,” in Arthur Zilversmit, *Changing Schools: Progressive Education Theory and Practice, 1930–1960* (Chicago: University of Chicago Press, 1993), pp. 103–117.
 14. Cremin, *The Transformation*, p. 327.
 15. Cutler, *Parents and Schools*, pp. 134–135.
 16. Quoted in Daniel Calhoun, ed., *The Educating of Americans: A Documentary History* (Boston: Houghton Mifflin Company, 1969), p. 42.
 17. Reese, *Power and the Promise of School Reform*, p. 162.
 18. Cutler, *Parents and Schools*, p. 2.
 19. James Bryant Conant, *The Child, The Parent, and the State* (Cambridge: Harvard University Press, 1959), p. 47.
 20. Cutler, *Parents and Schools*, p. 44.
 21. See my account of these developments in *The Once and Future School: Three Hundred and Fifty Years of Secondary American Education* (New York: Routledge, 1996), pp. 165–185.
 22. David L. Angus and Jeffrey E. Mirel, *The Failed Promise of the American High School, 1890–1995* (New York: Teachers College, Columbia University, 1999), p. 65.

23. See Educational Policies Commission, *Education for All American Youth* (Washington, DC: NEA, 1944), pp. 35, 39, 192, 211, 296, 359.
24. James Bryant Conant, *Slums and Suburbs* (New York: McGraw-Hill, 1961), pp. 145–147.
25. See my *The Once and Future School*, p. 188, and James Bryant Conant's *The Comprehensive High School: A Second Report to Interested Citizens* (New York: McGraw-Hill, 1967), pp. 2, 20.
26. Data are taken from various volumes of the *Report of the Commissioner, United States Bureau of Education*, from the U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (Washington, DC: U.S. Department of Commerce, 1975), pp. 368–369, Series H 412–432, and the National Center for Education Statistics, *Digest of Education Statistics 1999*, Table 3.
27. For a comprehensive review of Catholic education in the United States see Kim Tolley, “‘Many Years before the Mayflower’: Catholic Academies and the Development of Parish High Schools in the United States,” in *Chartered Schools: Two Hundred Years of Independent Academies in the United States, 1727–1925*, ed. Nancy Beadie and Kim Tolley (New York and London: RoutledgeFalmer, 2002), pp. 304–328.
28. Otto F. Kraushaar, *American Nonpublic Schools: Patterns of Diversity* (Baltimore: Johns Hopkins University Press, 1972), p. 77.
29. See Lawrence Cremin's engaging description of the progressive schools in his *The Transformation of the School*, pp. 179–239.
30. *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).
31. *Farrington v. T. Tokushige*, 273 U.S. 284 (1927).
32. *Cochran v. Louisiana State Board of Education*, 281 U.S. 370 (1930).
33. *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).
34. *McCollum v. Board of Education*, 333 U.S. 203 (1948) and *Zorach v. Clausen*, 343 U.S. 306 (1952).
35. §143, Weimar Constitution. A convenient selection of the articles on schooling and education is printed in Karl-Heinz Nave, *Die allgemeine deutsche Grundschule: Ihre Entstehung aus der Novemberrevolution von 1918* (Weinheim: Verlag Julius Beltz, 1961), pp. 165–167. The entire constitution may be consulted at <<http://www.uni-wuerzburg.de/rechtsphilosophie/wrv1919.html>>.
36. §144, Weimar Constitution.
37. §145, Weimar Constitution.
38. §146, Weimar Constitution.

39. §146, Weimar Constitution.
40. §146, Weimar Constitution.
41. Cf. on this Luise Wagner-Winterhager, *Schule und Eltern in der Weimarer Republik: Untersuchungen zur Wirksamkeit der Elternbeiräte in Preußen und der Elternräte in Hamburg 1918–1922* (Weinheim and Basel: Beltz Verlag, 1979), pp. 56–60.
42. §147, Weimar Constitution.
43. §147, Weimar Constitution.
44. See Nave, *Die allgemeine deutsche Grundschule*, p. 63.
45. §147, Weimar Constitution.
46. The *Grundschul* law is reprinted in Christoph Führ, *Zur Schulpolitik der Weimarer Republik*, 2nd ed. (Weinheim: Beltz, 1972), pp. 161–162. The city-state of Hamburg provides a good example of the circumstances under which the private *Vorschulen* continued to exist. See Hildegard Milberg, *Schulpolitik in der pluralistischen Gesellschaft: Die politischen and sozialen Aspekte der Schulreform in Hamburg 1890–1935* (Hamburg: Leibniz Verlag, 1970), pp. 199–206.
47. §120, Weimar Constitution.
48. Führ, *Zur Schulpolitik*, p. 37.
49. Catholic and Protestant interpretations of the *Elternrecht*, however, were not identical. The Catholic view declared the school to be an institution auxiliary to the family whose duty it was to provide their children with a Catholic-confessional education and whose rights at the same time were limited by the church's primary claim to educate its children. For Protestants the right to educate rested not with the church but equally with the parents and the state. The revolution of 1919, however, had brought about the separation of state and church and parents now would claim the right to choose a confessional school for their children. See Milberg, *Schulpolitik in der pluralistischen Gesellschaft*, pp. 156–157.
50. See on this Wagner-Winterhager, *Schule und Eltern*, pp. 66–71.
51. See Nave, *Die allgemeine deutsche Grundschule*, pp. 89–91. It is of interest to note that on Page 90 Karl-Heinz Nave, himself a strong supporter of the common *Grundschule*, points to the "obvious contrast" in which the compulsory attendance at these schools in Germany stands to attendance at elementary schools in other *democratic* countries—he mentions the United States, Great Britain, and France—where compulsory attendance at public elementary schools is a *minimum* requirement and could be fulfilled at private schools as well.

52. The law is reprinted in Führ, *Zur Schulpolitik*, p. 163.
53. See Wagner-Winterhager, *Schule und Eltern*, p. 48.
54. For the situation in Hamburg see Milberg, *Schulpolitik in der pluralistischen Gesellschaft*, pp. 59–62 and 246–258.
55. Cf. Wagner-Winterhager, *Schule und Eltern*, pp. 53–283. Hans-Peter de Lorent and Volker Ullrich, eds., *Der Traum von der freien Schule: Schule und Schulpolitik in der Weimarer Republik* (Hamburg: Ergebnisse Verlag, 1988), presents accounts of the very similar situation in Hamburg.
56. See Jürgen Oelkers, “Origin and Development in Central Europe,” in *Progressive Education Across the Continents*, ed. Hermann Röhrs and Volker Lenhart (Frankfurt am Main: Peter Lang, 1995), pp. 31–50.
57. See George Mosse on Kurt Hahn’s unwillingness to accept parents as educators in his *Confronting History: A Memoir* (Madison: University of Wisconsin Press, 2000), p. 57.
58. See the 1911 debate between Kerschensteiner and Hugo Gaudig, discussed by Jürgen Oelkers in *Reformpädagogik: Eine Kritische Dogmengeschichte* (Weinheim: Juventa Verlag, 1989), p. 155, and by Hermann Weimer and Juliane Jacobi in *Geschichte der Pädagogik*, 19th ed. (Berlin: Walter de Gruyter, 1991), pp. 188–190.
59. For an evaluation of the Jena plan see Oelkers, *Reformpädagogik*, pp. 158–165.
60. Hanno Schmitt, “Zur Realität der Schulreform in der Weimarer Republik,” in *Politische Reformpädagogik*, ed. Tobias Rülcker and Jürgen Oelkers (Bern: Peter Lang, 1998), pp. 619–643.
61. Jürgen Oelkers, “Origin and Development in Central Europe,” in *Progressive Education Across the Continents*, ed. Röhrs and Lenhart, p. 33.
62. See Hildegard Feidel-Mertz, ed., *Schulen im Exil: Die verdrängte Pädagogik nach 1933* (Reinbeck bei Hamburg: Rowohlt, 1983), pp. 25–33.
63. Feidel-Mertz, *Schulen im Exil*, pp. 22–24.
64. Feidel-Mertz, *Schulen im Exil*, pp. 33–51, and Hermann Weimer and Juliane Jacobi, *Geschichte der Pädagogik* (Berlin: Walter de Gruyter, 1992), pp. 196–200.
65. See Hans-Georg Herrlitz, Wulf Hopf, and Hartmut Titze, *Deutsche Schulgeschichte von 1800 bis zur Gegenwart: Eine Einführung* (Weinheim and München: Juventa Verlag, 1993), p. 151.
66. Feidel-Mertz, *Schulen im Exil*, pp. 20–21.

4 School Choice in the United States after World War II

1. *Brown v. Board of Education*, 347 U.S. 483 (1954).
2. For summaries of various measures adopted in Southern states to avoid desegregation see Herbert O. Reid, "The Supreme Court Decision and Interposition," *The Journal of Negro Education* 25 (Spring 1956): 109–110, and Walter F. Murphy, "Desegregation in Public Education—A Generation of Future Litigation," *Maryland Law Review* 15: 221–243.
3. These measures were popular in North Carolina, Florida, Alabama, and Mississippi. See Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: Louisiana State University Press, 1969), pp. 77–78.
4. Bartley, *The Rise of Massive Resistance*, pp. 76–77.
5. For the developments in Alabama see Edward R. Crowther, "Alabama's Fight to Maintain Segregated Schools, 1953–1956," *Alabama Review* 43 (July 1990): 206–225.
6. Congressional Record, 84th Cong., 2nd sess., 1956, 102: 3948, 4004. Cited in Robbins L. Gates, *The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954–1956* (Chapel Hill: University of North Carolina Press, 1962), p. 118.
7. Bartley, *The Rise of Massive Resistance*, pp. 320–325.
8. Gates, *The Making of Massive Resistance*, pp. 117, 123.
9. Gates, *The Making of Massive Resistance*, p. 212.
10. For a detailed description of the developments and issues concerning the "freedom of choice" program in Virginia and Prince Edward County see *Griffin v. County School Board of Prince Edward County*, 377 U.S. 218 (1964) and Amy E. Murrell, "The 'Impossible' Prince Edward Case: The Endurance of Resistance in a Southside County, 1959–64," in *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*, ed. Matthew D. Lassiter and Andrew B. Lewis (Charlottesville: University Press of Virginia, 1998), pp. 134–167.
11. For this see Michael W. Fuquay, "Civil Rights and the Private School Movement in Mississippi, 1964–1971," *History of Education Quarterly* 42 (Summer 2002): 159–180.
12. *Poindexter v. Louisiana Financial Assistance Commission*, 275 F. Supp. 833 (1967).
13. *Green et al. v. County School Board of New Kent County et al.*, 391 U.S. 430 (1968). In *Keyes v. School District No. 1*, 413 U.S. 189 (1973) the

Supreme Court similarly ruled that the use of optional attendance zones was unconstitutional when they created or maintained racially or ethnically segregated schools.

14. Milton Friedman, "The Role of Government in Education," in *Economics and the Public Interest*, ed. Robert A. Solo (New Brunswick, NJ: Rutgers University Press, 1955).
15. A representative example of the reform literature is John C. Holt, *How Children Fail* (New York: Pitman, 1964); on community control see Maurice R. Berube and Marilyn Gittell, eds., *Confrontation at Ocean Hill-Brownsville: The New York School Strikes of 1968* (New York: Praeger, 1969); on homeschooling see J. Gary Knowles, Stacey E. Marlow, and James A. Muchmore, "From Pedagogy to Ideology: Origins and Phases of Home Education in the United State, 1970–1990," *American Journal of Education* 100 (February 1992): 195–235; and on deschooling see Ivan Illich, *Deschooling Society* (New York: Harper and Row, 1971).
16. Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962).
17. Theodore Sizer and Phillip Whitten, "A Proposal for a Poor Children's Bill of Rights," *Psychology Today* 2(August, 1968): 59–63, and Theodore Sizer, "The Case for a Free Market," *Saturday Review* 93 (January 1969): 34–42.
18. Christopher Jencks, "Education Vouchers: Giving Parents Money to Pay for Schooling," *The New Republic* 163 (July 4, 1970): 20.
19. Daniel Weiler, *A Public School Voucher Demonstration, the First Year at Alum Rock: Prepared for the National Institute of Education* (Santa Monica, CA: Rand, 1974).
20. Weiler, *A Public School Voucher Demonstration*, p. 6.
21. John E. Coons and Stephen D. Sugarman, *Education by Choice: The Case for Family Control* (Berkeley: University of California Press, 1978). In their *Scholarships for Children* (Berkeley: Institute of Governmental Studies Press, 1992), pp. 3 and 4, Coons and Sugarman summed up their position that any choice system had to "tilt" toward the poor, that it must subsidize choice in both public and private schools, that both public and private schools must be protected from regulation, and that to protect the poor a pure laissez-faire approach on the supply side was unacceptable.
22. *Serrano v. Priest*, 5 Cal. 3d 584 (1971).
23. See Mary Haywood Metz, *Magnet Schools in their Organizational and Political Context* (Washington, DC: National Institute of Education, 1981).

24. Deborah Meier, *The Power of Their Ideas: Lessons for America from a Small School in Harlem* (Boston: Beacon Press, 1995), p. 102.
25. Christine H. Rossell and Charles L. Glenn, “The Cambridge Controlled Choice Plan,” *The Urban Review* 20 (Summer 1988): 75–94. The statistics are given on p. 85, and the quotation is taken from p. 92.
26. National Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington, DC: U.S. Government Printing Office, 1983).
27. National Governors’ Association, *Time for Results: The Governors’ 1991 Report on Education* (Washington, DC: National Governors’ Association, 1986), p. 12.
28. Task Force on Teaching as a Profession, *A Nation Prepared: Teachers for the 21st Century* (New York: Carnegie Forum on Education and the Economy, 1986), pp. 14, 92–93.
29. John E. Chubb and Terry Moe, *Politics, Markets, and America’s Schools* (Washington, DC: Brookings Institution, 1990), pp. 188, 215, 212.
30. Chubb and Moe, *Politics, Markets, and America’s Schools*, pp. 218–219, 221–224.
31. Chubb and Moe, *Politics, Markets, and America’s Schools*, p.220.
32. Christian Braunlich and Melanie Looney, eds., *Charter Schools 2002: Results from CER’s Annual Survey of America’s Charter Schools* (Washington, DC: The Center for Education Reform, 2002), p. 2. The data for 2005 are taken from the CER website.
33. In the 2001–2002 school year, the State of Colorado provided a per pupil capital stipend to charter schools that spent more than 3 percent of their operating budget on capital needs to assist with the purchase, construction, or renovation of their buildings.
34. For more on this see Abby R. Weiss, *Going It Alone: A Study of Massachusetts Charter Schools* (Boston: Northeastern University Institute for Responsive Education, 1997).
35. *The Rocky Mountain News* of October 26, 2002, reports this from Aurora, Boulder Valley, and Fort Collins, Colorado.
36. “Report critical of charter schools,” *San Francisco Chronicle*, April 8, 2003.
37. See “Social Change: Charter Schools Take Root,” *San Francisco Chronicle*, October 6, 2002.
38. Howard Gardner, “Paroxysms of Choice,” *The New York Review of Books*, October 19, 2000, 46–47.

39. Martha Naomi Alt and Katharin Peter, “Private Schools: A Brief Portrait,” *The Condition of Education 2002* (Washington, DC: National Center for Education Statistics, 2002), pp. 5, 9, 17, 19.
40. Alt and Peter, “Private Schools,” p. 21.
41. See the description of John E. Coons and Stephen D. Sugarman, *Scholarships for Children* (Berkeley: Institute of Governmental Studies Press, 1992), pp. 61–68. While by 2004 the Milwaukee voucher program was rocked by corruption charges and on August 19, 2005, the financial officer of a voucher school was found guilty of embezzlement, the number of schools in the program continued to grow. Reported in *The Denver Post* in an Associated Press release of April 6, 2004 and in an editorial of April 12, 2004, and in the *Milwaukee Journal Sentinel* of August 13 and 20, 2005.
42. *Zorach v. Clauson*, 343 U.S. 306, 315 (1952).
43. See chapter 3, note 30.
44. *Wisconsin v. Yoder*, 406 U.S. 205, 217, 234 (1972).
45. *Perchemlides v. Frizzle*, 16641 Massachusetts Hampshire County Superior Court (1978).
46. *Lemon v. Kurtzman*, 403 U.S. 602, 612–613 (1971).
47. *Mueller v. Allen*, 463 U.S. 388 (1983).
48. The First Amendment’s establishment clause reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .”
49. *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).
50. *Elementary and Secondary Education Act*, Public Law 89–10 (April 11, 1965).
51. Public Law 89–10 (April 11, 1965), quoted in Marvin Lazerson, ed., *American Education in the Twentieth Century: A Documentary History* (New York: Teachers College Press, 1987), pp. 163, 164.
52. *Everson v. Board of Education of Ewing TP*, 330 U.S. 1, 18 (1947).
53. See Nancy Paulu, *Improving Schools and Empowering Parents: Choice in American Education—A Report based on the White House Workshop on Choice in Education* (Washington, DC: U.S. Government Printing Office, 1989). The quotations appear on pp. iii and 32.
54. H.R. 1804, *Goals 2000: Educate America Act* (January 25, 1994).
55. Center for Education Reform, *News Alert: The Bush Administration Education Proposal* (January 23, 2001).
56. As reported by Charles Babington in the *Washington Post* of January 23, 2001.
57. Public Law 107–110.

5 *Schulwahl* in the Post–World War II Period

1. The Potsdam Agreement, published in the Official Papers of the Allied Control Council in Germany, 1946, additional paper no. 1, p. 13.
2. From the Law for the Democratization of the German School, May/June 1946, quoted in Karl-Heinz Günther and Gottfried Uhlig, eds., *Dokumente zur Geschichte des Schulwesens in der Deutschen Demokratischen Republik—Teil 1: 1945–1955* (Berlin: Verlag Volk and Wissen, 1970), pp. 207–208.
3. See “OMGUS-Telegramm an die Militärregierungen der vier Länder der amerikanischen Besatzungszone, Januar 10, 1947,” in *Bildungspolitik und Bildungsreform*, ed. Leonard Froese and Victor von Blumenthal (München: Wilhelm Goldmann Verlag, 1969), pp. 100–101.
4. See “Direktive Nr. 54 der Alliierten Kontrollbehörde in Deutschland, 25. Juni 1947,” in Froese und Blumenthal, *Bildungspolitik*, p. 102.
5. See Peter Lundgreen, *Sozialgeschichte der deutschen Schule im Überblick, Teil II: 1918–1980* (Göttingen: Vandenhoeck & Ruprecht, 1981), p. 18.
6. See Froese and Blumenthal, *Bildungspolitik*, pp. 106–113.
7. Froese and Blumenthal, *Bildungspolitik*, p. 48, and Oskar Anweiler, *Schulpolitik and Schulsystem in der DDR* (Opladen: Leske und Budrich, 1988), p. 26.
8. Froese and Blumenthal, *Bildungspolitik*, pp. 36–38, 114–121.
9. Lundgreen, *Sozialgeschichte*, p. 26.
10. See *inter alia* Lutz R. Reuter, “Das Recht auf Bildung in der deutschen Bildungsgeschichte seit 1945,” in *50 Jahre Grundgesetz und Schulverfassung: Abhandlungen zu Bildungsforschung und Bildungsrecht*, ed. Frank Rüdiger Jach und Siegfried Jenkner (Berlin: Duncker & Humblot, 2000), 4:2.
11. On this see Christoph Führ, *The German Education System since 1945* (Bonn: Inter Nationes, 1997), p. 10, and Lundgreen, *Sozialgeschichte*, pp. 25–26 .
12. See Günther and Uhlig, *Dokumente—Teil 1: 1945–1955*, p. 208, and *Teil 2: 1956–1967/68, 1st Halbband*, p. 318.
13. Führ, *The German Education System*, p. 13.
14. Froese and Blumenthal, *Bildungspolitik*, pp. 48–50. See also Anweiler, *Schulpolitik*, p. 45.
15. Günther and Uhlig, *Dokumente—Teil 1: 1945–1955*, p. 382.
16. See Bernd Zymek, “Die Schulentwicklung in der DDR im Kontext einer Sozialgeschichte des deutschen Schulsystems,” in *Bildungsgeschichte einer*

Diktatur: Bildung und Erziehung in SBZ und DDR im historisch-gesellschaftlichen Kontext, ed. Sonja Häder and Heinz-Elmar Tenorth (Weinheim: Deutscher Studien Verlag, 1997), pp. 36–38.

17. Günther and Uhlig, *Dokumente—Teil 2: 1956–1967/68, 1st Halbband*, pp. 315–323.
18. Cf. Anweiler, *Schulpolitik*, pp. 71–72.
19. Cited in Froese and Blumenthal, *Bildungspolitik*, p. 192.
20. Dietmar Waterkamp, *Handbuch zum Bildungswesen der DDR* (Berlin: Berlin Verlag, 1987), pp. 109–110, and Günther and Uhlig, *Dokumente—Teil 3: 1968–1972/73, 1st Halbband*, pp. 124–127. Technical instruction was added in 1980; see Günther and Uhlig, *Dokumente—Teil 4: 1973–1980/81*, p. 429. For some of the internal debates concerning the 1965 law see Karl-Heinz Günther, *Rückblick* (Frankfurt: Peter Lang, 2002), pp. 381–384.
21. Günther and Uhlig, *Dokumente—Teil 2: 1956–1967/68, 2nd Halbband*, p. 683.
22. Günther and Uhlig, *Dokumente—Teil 2: 1956–1967/68, 2nd Halbband*, p. 685.
23. In addition to the special schools mentioned in the text, there existed schools for children with physical or mental handicaps.
24. Cited in Froese and Blumenthal, *Bildungspolitik*, p. 281.
25. Anweiler, *Schulpolitik*, p. 98.
26. Günther and Uhlig, *Dokumente—Teil 3: 1968–1972/73, 1st Halbband*, pp. 44–53.
27. Günther and Uhlig, *Dokumente—Teil 3: 1968–1972/73, 1st Halbband*, p. 46.
28. Günther and Uhlig, *Dokumente—Teil 3: 1968–1972/73, 2nd Halbband*, pp. 671–676.
29. For the statistics I have relied on Anweiler, *Schulpolitik*, pp. 131–132.
30. One should keep in mind, however, that, as Zymek argued, different local conditions of schooling and the various subdivisions within the *Erweiterte Oberschule*, “while formally constituting an orderly unitary system, nevertheless created different conditions of schooling and social composition which opened up to students differentiated opportunities for learning and employment.” Unless families changed their place of residence, parents could not utilize these differences to exercise school choice. See Zymek, “Die Schulentwicklung,” p. 43.
31. See article 37 of the October 7, 1949, Constitution of the DDR, the governmental decree about the formation and tasks of parental boards of April 12, 1951, and the similar decree of October 14, 1955, in Günther

- and Uhlig, *Dokumente—Teil 1: 1945–1955*, pp. 344, 393–395, 525–527.
32. Günther and Uhlig, *Dokumente—Teil 2: 1956–1967/68, 1st Halbband*, pp. 323–328.
33. Günther and Uhlig, *Dokumente—Teil 2: 1956–1967/68, 2nd Halbband*, p. 783.
34. Günther and Uhlig, *Dokumente—Teil 3: 1968–1972/73, 1st Halbband*, pp. 251–253.
35. It should be noted, however, that few, if any, of the new *Länder* have in fact introduced the *Hauptschule*.
36. Wolfgang Mitter, “Allgemeinbildendes Schulwesen: Grundfragen und Überblick,” in *Vergleich von Bildung und Erziehung in der Bundesrepublik Deutschland und in der deutschen Demokratischen Republik*, ed. Oskar Anweiler (Köln: Verlag Wissenschaft und Politik, 1990), p. 174. See also Führ, *German Education System*, pp. 78–81.
37. See the examples I give in chapter 4, such as the citizenship, manual work, and student-initiated projects of the *Arbeitschule* of Georg Kerschensteiner and Hugo Gaudig, the community-centered and parent-involved activities of the Jena Plan schools of Peter Petersen, and the work of the German Central Institute for Education and Instruction.
38. Manfred Weiss, “Expanding the Third Sector in Education? A Critical View,” in *Education Between States, Markets, and Civil Society: Comparative Perspectives*, ed. Heinz-Dieter Meyer and William Lowe Boyd (Mahwah, NJ: Lawrence Erlbaum Associates, 2001), p. 172.
39. See *Grundgesetz*, <http://www.bundestag.de/gesetze/gg>. For a comparison with the constitution of the Weimar Republic see earlier, chapter 3.
40. Basic Law of the Federal Republic, article 7.
41. Quoted by Andreas Flitner, “Freie Schulen—Ergänzung und Herausforderung des öffentlichen Schulsystems,” in Flitner and Hans-Ullrich Gallwas, *Privatschulen und öffentliches Schulsystem* (Köln: Deutscher Instituts-Verlag, 1980), p. 10. On the private schools’ subsidiary status as compared to public schools see also Winfried Schläffke and Reinhold Weiß, eds., *Private Bildung—Herausforderung für das öffentliche Bildungsmonopol* (Köln: Deutscher Institutsverlag, 1996), p. 29.
42. Eckhard K. Deutscher, “Private Schulen in der deutschen Bildungsgeschichte: Ein Beitrag zum Verhältnis von Schule und Staat” (Inauguraldissertation, Universität Frankfurt am Main, 1976), 150–155.

43. Reported in *Die Welt*, April 7, 2003.
44. Bundes Verwaltungs Gericht Aktenzeichen 5 C 70.88—August 13, 1992. See also Udo Dirnaichner, “Übernahme von Schulgeld einer Privatschule im Rahmen der Sozialhilfe,” *Schulverwaltung: Zeitschrift für Schulleitung und Schulaufsicht, Ausgabe Bayern* 17 (May 1994): 195–197.
45. Hans Heckel, *Schulrechtskunde: Ein Handbuch für Praxis, Rechtsprechung und Wissenschaft*, 6th ed., ed. Hermann Avenarius and Helmut Fetzer (Berlin: Luchterhand, 1986), pp. 153–155.
46. Max Planck Institut für Bildungsforschung, *Das Bildungswesen in der Bundesrepublik Deutschland: Ein Überblick für Eltern, Lehrer, Schüler* (Hamburg: Rowohlt, 1990), p. 140.
47. See Klaus Hurrelmann, “Tendenzen der Privatisierung des deutschen Schulsystems—Chance oder Gefahr für Qualität und Chancengleichheit der Bildung?” *Forum E: Zeitschrift des Verbandes Bildung und Erziehung* (November/December 1995), pp. 24–26.
48. According to a press statement released by Cardinal Karl Lehmann in March 2003 applications for admission to Catholic schools exceed the available places by 30 percent. Catholic schools enroll nearly 370,000 students, more than half of all the pupils in private schools. Protestant schools report the same discrepancy between the number of applicants and available places. See *Die Welt*, April 7, 2003.
49. Doris Knab and Felix Messerschmid, “Tradition und Gegenwart. Profile von Schulen in katholischer Trägerschaft,” in *Alternative Schulen. Gestalt und Funktion nichtstaatlicher Schulen im Rahmen öffentlicher Bildungssysteme*, ed. Dietrich Goldschmidt and Peter Martin Roeder (Stuttgart: Klett-Cotta, 1979), pp. 362–378.
50. Karl-Heinz Potthast, “Evangelische Schulen und Ausbildungsstätten zwischen den Bildungssynoden 1971 und 1978,” in *Alternative Schulen*, ed. Goldschmidt and Roeder, pp. 353–361.
51. Flitner and Gallwas, *Privatschulen und öffentliches Schulsystem*, pp. 10–17, 203–205.
52. See Informationsunterlage des Sekretariats der Kultusministerkonferenz, *Übergang von der Grundschule in Schulen des Sekundarbereichs I* (Sekretariat der Ständigen Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland, June 1999—mimeographed. For a more detailed description of parental involvement see *The Educational System in Germany: Case Study Findings: The Transition to Lower Secondary Education*, June 1999, on the U.S. Department of Education website, <http://www.ed.gov/pubs/GermanCaseStudy/chapter2a.html>
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