

## Resisting Deficit Ideology while Supporting High Commitment Charter Schools

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As a matter of justice, are charter schools worthy of support? Are charter schools defensible because they provide opportunities for a better free education than one might ordinarily get in the corresponding neighborhood public school? Are they indefensible on grounds that those who need them most don't have real access? Or, is it too difficult to make a universal judgement on charter schools because they vary in ethically important ways? Kirsten Welch's essay, *Prioritarian Educational Justice: An Ethical Problem for Charter Schools?*, is an intriguing article in which she challenges the prioritarian notion of justice as applied to charter schools, instead arguing that while imperfect charter schools perform an ethically important role in the lives of many students.

There is much with which I agree in this article. Welch's central thesis is sound – just because charter schools might not reach the very least advantaged, does not mean that they do not provide benefits to students who might otherwise be relegated to low performing traditional public schools (TPS). Upon examination of urban schools, we see a range in school performance. Often, however, it is in the most poverty-stricken parts of urban areas where the traditional public school struggles the most. In this case, if a high commitment charter school (HCC) were to provide any of these students with a better educational opportunity, like Welch, I fail to see why this would be ethically problematic. In fact, there seems to be a strong case, from an ethical standpoint, that providing this opportunity is warranted. So, it is not Welch's *conclusions* that I find problematic, but instead it is the argument she presents to arrive at her conclusion. I agree with Welch that rigid adherence to a prioritarian principle of justice is problematic. I think such a dogmatic approach misses the important point that charter schools provide an escape hatch for many, many students who are less

advantaged and would not otherwise have access to a high-quality education. With that in mind, I reserve the remainder of my remarks to touching on my concerns with Welch's approach and offer some thoughts on an alternative way to arrive at the same conclusion.

Referencing Brighthouse and Swift, Welch suggests that a prioritarian conception of justice requires the distribution of limited goods in such a way that the least advantaged benefit to a greater degree from those more advantaged. Examining this idea with respect to charter schools, specifically high commitment charter schools, she says prioritarians typically object to charter schools for two reasons, unfair selection processes and overly stringent disciplinary policies that result in higher than average suspensions and expulsions. From a prioritarian perspective, according to Welch, HCCs fail to meet a threshold of justice, because the least advantaged are often the ones who do not get admitted, and, when they are admitted, they are the ones more likely to be suspended and/or expelled for disciplinary cause.

To make the case that the lottery system eliminates, or is substantially weighted against the very least advantaged, Welch relies on arguments that suggest that the very least advantaged, a designation determined by socioeconomic status are one in the same as parents who will not make the time, have the wherewithal, or otherwise opt to enroll their children in these lotteries. Moreover, it seems by virtue of the parent enrolling the student in the lottery, they cease to hold their designation as "very least advantaged." This troubles me in that it seems an economic indicator quickly becomes a moral proxy. In Welch's own words, "the nature of the lottery system itself excludes the least advantaged students since parents must take the initiative to enroll their children in the lottery." Had the sentence continued, "and the economic status of the parents prevents enrolling in the lottery because of ..." then there might be an argument to make. But it seems Welch is comfortable with the position that the very least advantaged, as a matter of deficiency, are unable or unwilling to enroll their children in these lotteries. Considering prioritarians are concerned with economic injustice, this line of reasoning seems troubling.

The same appears to be the case with respect to discipline. Welch

summarizes the prioritarian position as one where the least advantaged tend to be the same students with the greatest behavior issues. Therefore, from both a prioritarian position and Welch's position, one could ostensibly be in one of the lowest income brackets, but if the student does not exhibit behavior issues s/he is by definition not the least advantaged. As Welch herself acknowledges, "Students who struggle with behavioral issues are, arguably, among the least advantaged."

While there are many arguments to make in opposition to the prioritarian position and/or in support of charter schools, Welch chooses to challenge prioritarians and offer support for charter schools by adopting a deficit argument. This approach can be seen through her illustration of "educational triage." In this example, she describes an accident scene where we are asked to imagine three victims. One with minor injuries, one with significant injuries, and one with severe injuries. She reasons that if the medical professionals on the scene attend to the person with the most severe injuries, a poor outcome might result for the person with significant injuries. Presumably, prioritarian conceptions of justice would have all medical professionals helping the most severely injured at the expense of the others. Welch concludes that because it is not entirely clear that all of the medical attention would result in a positive outcome, the better choice is to help the person who is significantly injured but who with medical attention will be okay. Presumably, the moral of this story is that some students are beyond educational help. Some students are so disadvantaged that no amount of educational intervention will improve their outcomes in relevant ways. Therefore, focusing on the less advantaged is ethically justifiable since the additional resources they receive could actually positively impact their lives. Welch states, "Primary focus on improving the educational outcomes of the least advantaged students is an implausible goal because it is not feasible given the limited educational resources institutions have at their disposal."

From my perspective, it is difficult to understand how one could justifiably arrive at this conclusion. I am morally uncomfortable with the notion that we resign the very least advantaged students to this status because of the fact that helping them is costly in terms of financial and human resources. The

challenge is exacerbated by the fact that thinkers such as Welch and Satz, make their case less from a position of limited resources but more fundamentally from a position of moral failure. Whether it is Welch's conclusion that parents of the very least advantaged lack wherewithal or motivation, have trouble controlling their children's behavior, or Satz's conclusion that the equal development of children is not possible given a world, "with diverse families, parents, parenting styles, geographical locations, and values," this reasoning strains justification.

For as troubling as I find Welch's approach from a moral standpoint, I imagine even she might agree that from a policy standpoint it is even more concerning. For a moment, let's assume Welch is right and we implement a process of educational triage, where the very least advantaged are only given what is minimally adequate with greater resources going to others who have a better shot at a flourishing life. But now, when determining who is the very least advantaged let's engage in a thought experiment similar to Rawls' original position. Imagine that we design a policy to dole out resources similar to the one Welch endorses and grounded in this notion of educational triage. The very least advantaged will be provided a minimally adequate education with most additional resources going to the least advantaged and those who are not disadvantaged, relatively speaking, because the likelihood of individuals within these groups flourishing, with these additional resources, is greater. Just like Rawls' thought experiment, let's generate this policy behind a veil of ignorance where no one, not Welch, Satz, me or anyone involved, knows their individual positionality relative to others. I submit that the risk of being designated 'very least advantaged' with all that it does not afford would be too great a risk to take and therefore there would be a reluctance to endorse a policy, like this.

As individuals with moral standing, designing a policy that guarantees the inequality of the very least advantaged is problematic. I also think it is unnecessary. Recent Center for Research on Education Outcomes (CREDO) data suggest that in urban areas the racial and economic makeup of HCCs mirrors the demographic makeup of TPSs. What this means is that many HCCs in urban areas are serving as many of the very least advantaged as the TPSs. In those settings where the HCCs outperform the TPSs in statistically meaningful

ways, it would be wise for TPSs to examine the schooling practices of those HCCs and adopt some of them in their own schools.