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Why Do Independent Schools Exist?

Fall 2021

By John Gulla



What is an independent school? How does it differ from a private school? Why should independent schools exist? Wouldn't the country be better off if private schools were banned and wealthy people had to send their children to public schools? Aren't all independent schools just bastions of privilege perpetuating the economic power of the ruling class?

These are questions I've heard throughout my career, coming first from my own family, almost all of whom were proud public school teachers and administrators. When I *chose* to work in an independent school, having gone to public schools myself, I began to understand how independent schools can be seen and understood by those unfamiliar with them.

For me, the fundamental freedom to choose—initially for myself as a young professional, later as a parent—a school reflected the values, goals, philosophy, and practices that I sought for myself and my children led me to the world of independent schools where I've been for more than four decades. I wouldn't have used this language at the outset of my career, but it was the “mission-driven” nature of independent schools that attracted me—and has happily kept me here.

Looking at data from the National Center for Education Statistics, it is fair to estimate that 90% of the approximately 57 million K–12 children in the U.S. are enrolled in public schools. Of the roughly 10% who attend nonpublic schools, about 80% of them attend faith-based private schools. The other 20%, or maybe 2% of the total, attend independent schools. Ours is a tiny fraction of the whole. So, why do independent schools exist? Why do we matter?

What's the Difference?

Educational taxonomy is an imprecise art of categorization, but one simple sorting characteristic to consider is the difference between public and nonpublic schools. Public schools, generally, are financed by taxes and are governmentally controlled. Nonpublic schools are, equally broadly, privately financed, mission-driven, and not governed by an elected set of officeholders.

In addition to being privately funded, an independent school is chartered by the state in which it is located; usually operates as a 501(c)(3) organization according to the federal tax code; is governed by a self-perpetuating board of trustees; conducts its business primarily according to contract law rather than constitutional law (think private versus public law); reserves the right to admit, enroll, retain, or expel its students in accordance with its own (legally permissible) standards and processes; and determines its curriculum, educational philosophy, and pedagogical practices according to its mission and without outside interference. And for most independent schools, accreditation standards are broadly conceived and intentionally allow for significant latitude. At their best, independent schools develop a cohesive, mission-driven culture that attracts families and employees who are drawn to this specific type of school.

The long, historical view of American elementary and secondary education starts with private schools, expands dramatically in the 19th century with the development of Common Schools—usually publicly financed largely through local property taxes—and, for more than a century, steadily expands to enroll a broader and more inclusive percentage of the country’s children. In 1930, about 29% of U.S. students were earning a high school diploma; by 2000, that number had more than doubled to 70%.

Education is not explicitly mentioned in the Constitution and, as the 10th Amendment sets forth, “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This essentially set our country on a path whereby education becomes largely a state and local matter. Given the general funding mechanism—local property taxes—what often follows is local control and decision-making, resulting in wildly varying per pupil annual expenditures.

Although there is now a greater awareness of this disparity—and some efforts to address it—a person’s ZIP code predicts a great deal about their educational destiny in the public school system. Areas like Belmont, Massachusetts; Greenwich, Connecticut; and New Trier, Illinois, all have superb public schools, but to access these schools, a family needs to be able to afford housing and the taxes in these communities.

Choice in the public school world is really a choice, to the extent a family’s means allow, of where to live and raise children. There are significant regional differences in funding levels that are not attributable just to cost-of-living differences. New York, for example, spends more than one-third of the median household income on its per-pupil expenditure whereas other states spend quite a bit less; Texas comes in at less than 15%, according to census data. Access to publicly funded, universally available education for all has brought manifest benefits to many, but it has also brought an industrialized, bureaucratic, often overtly political approach to education, with materially different degrees of commitment to funding in various parts of the country.

And the notion that public schools are idylls of socioeconomic equity is as illusory as the notion that all independent schools are filled with Lexus-driving trust fund kids. I know many independent schools that have more socioeconomic diversity than some public schools.

Mission in Action

I worked at four independent schools—Saint Ann’s School (NY), Isidore Newman School (LA), Riverdale Country School (NY), and The Blake School (MN)—and I thought these schools were quite distinct, with strongly contrasting programs and significantly different cultures. But it wasn’t until I began to visit and work with the full range of NAIS schools on behalf of the E.E. Ford Foundation that I realized these schools that I knew so well sit side-by-side in a tiny part of the NAIS spectrum. All four are co-educational, PK–12 or K–12, nonsectarian, selective, financially sound, large day schools in urban centers. In the past eight years, I have

worked with more than 450 independent schools of all kinds: boarding, boarding/day, day/boarding, faith-based, military, rural, suburban, urban, all-girls, all-boys, large, medium, small and very small, highly selective schools. I've also worked with schools expressly structured to serve neurodiverse students; those that identify as proudly progressive or confidently traditional; those with a distinct emphasis on the arts, on athletics, on place (geography); those that are old (founded before 1700) or new (founded since 2000); those where no students pay tuition, where very few students receive aid, where the per-pupil expenditure is significantly below \$20,000 per student per year and where it exceeds \$60,000.

When I'm asked the impossible—to distill my 40-plus years of experience in independent schools to a single maxim—I resist. But if pushed, I sometimes suggest “one size does not fit all.” As Todd Rose demonstrates compellingly in *The End of Average: How We Succeed in a World That Values Sameness*, it is the *individual* student who must be the focus of school design, not the *average* student.

It is this opportunity for a school to create and pursue its unique mission, to become a school that by design is not intended to be a school for the average child—there are no average children—but to be a school that will broadcast its mission to attract those who want what that school offers, whatever that may be. It is this *choice* that defines an independent school and makes independent schools “covenantal” in the sense of a covenant as a mutual, binding agreement between families and the school; both parties are able to make regularly renewable and fundamentally different choices than what is possible or even appropriate in public schools.

The sacred secret of education—and I use this term in the sense of something sacrosanct—is that no child can be forced to become educated. “Compulsory education” is an oxymoronic term equivalent to the 1960s and '70s idea of providing a “values-free education.” In my years as a school head, if there was a student who was struggling significantly—academically, behaviorally, or both—I'd find an opportunity to have a private conversation with that child. “Do you want to be here?” I'd ask. If the honest answer was “no,” the goal became clear. I might need to help the family find another school. A student hell-bent on getting kicked out would almost always succeed. Why make that a challenge? I realize there are different criteria in public schools as they operate under public, not contract law, but this sense of the “covenantal” in independent schools make them special and, I think, distinguishes them.

American jurisprudence has long held that while there is a legitimate state interest in “compulsory education,” flawed as that term may be, our country's fundamental belief in individual liberty has buttressed repeatedly successful arguments that this legitimate state interest can be fulfilled in schools other than state-run schools (primarily Supreme Court case *Pierce v. Society of Sisters*, 1925, which provided us the immortal Supreme Court line that children are not the “mere creatures of the state”). Reaching back further, and solidifying the legal legitimacy of independent educational institutions, in *Dartmouth College v. Woodward*, argued by Daniel Webster in the U.S. Supreme Court in 1819, Chief Justice John Marshall rebutted the state of New Hampshire's effort to replace the Dartmouth trustees with overseers appointed by the governor, writing in support of the “immortality” and “individuality” of Dartmouth.

But this legal grant of “immortality” to a private institution of higher education like Dartmouth or an independent secondary or elementary school, however well-supported in case law, is surely subject to the checks and balances of the marketplace. Being covenantal by nature, the school needs to attract and retain students, which introduces a level of accountability that, in turn, can be simultaneously complicated, salubrious, and challenging but ultimately turns on the freedom of choice and a school's power of self-determination.

Thought Experiment

Would we be better off if all private schools ceased to exist? Would the rich and influential, forced to enroll their children in public schools, start to act in a manner that would result in more public funding, more political and civic attention and thus broad public educational improvements? I'm not at all sure this would be the case.

Independent school parents pay property and other taxes to help finance public schools without availing their families of these services, and if all private/independent schools ceased to exist, public schools would suddenly have 10% more students to educate and no more money unless taxes were significantly increased. Affluent families already have the option to move to wealthier, often more homogenous areas. An immediate closure of private schools might even accelerate greater exodus of families from cities, resulting in even more *de facto* segregation by class.

For the past couple of years, I have been regularly sounding another note about independent schools. Are they bastions of great privilege? Certainly. Is that *all* they are? Absolutely not. With a nod to writer Chimamanda Ngozi Adichie, I've been calling this issue the "danger of the single independent school story." I believe that independent schools can be some of the most effective mini-engines of social mobility that exist in the 21st century. Many of the independent schools I know, especially those with significant resources and a K–12 program, educate children from a community's most affluent families alongside some children from families of much more modest means. Almost all independent schools I know are deeply committed to attracting a pluralistic cross-section of mission-appropriate students with an approach that is remarkably parallel to some of the most selective colleges and universities in the country. There are many private schools, many with faith-based missions, working successfully with families who justifiably see education as it has historically been seen in our country: a means of breaking cycles of multigenerational poverty.

The Benefits of Independence

In January 2020, *The New York Times* contrasted McGraw-Hill American history textbooks produced for use in Texas and California public schools, exposing the difference in what students in each state were learning. In the California version of the textbook, on the page describing the Second Amendment, it explained that "related court rulings have allowed for some gun regulation." The page in Texas version had only white space in that section, no mention at all of any limitation to the Second Amendment. If you lived in a district where your local public school teachers were being directed what to teach by politicians and not educators, you might well long for an independent school option. These battles which many will recall about evolution/creationism/intelligent design are very much front-page news today in terms of Critical Race Theory.

In that broad trajectory of the development of public school education in the United States, from the days of Horace Mann to the pandemic, independent schools have often played an outsized historical role in the development of innovative practices and programs, everything from the Advanced Placement program (started with four independent schools and three universities in the 1950s) to the current Mastery Transcript. As the stranglehold over the curriculum that was established by the Committee of Ten in 1892 (that included an independent school head among the 10) begins to yield, I believe independent schools are particularly well-positioned to develop, adopt, and share approaches to current educational challenges and changes that can broadly benefit all students—public, private, and independent.

For it is now, after the pandemic showed us that what we thought was impossible, wasn't, even if what was created was imperfect, when independent schools have the most to contribute to the world of education. If in

February 2020 it had been suggested that all formal PK-16 education would, in a matter of weeks shift to virtual instruction, people would have proclaimed, “It cannot be done!” We no longer have that excuse. It was done, and we are only beginning to learn the lessons. Individual independent schools—some because they had the resources, others simply because they were more creative or less burdened by bureaucracy, some because of both—reopened to in-person learning sooner than many others. This led to a counterintuitive spike in enrollment in the spring of 2020 and for the 2021–2022 school year in many independent schools, and it remains to be seen if most of these students and families continue.

It is this spirit of innovation, of a willingness for individual independent schools to try something new—something like altered daily schedules, the infusion into our teaching of what neuroscience has taught us over the last half century about how we best learn, more student-driven curriculum that augments interest and motivation—that makes us critical right now. These experiments don’t always succeed, and the built-in accountability of an absence of demand can be a ruthless determinant of this. But when they do, they begin to spread, as nodes in a geographic area, among coalitions of the like-minded and, with the fundamental tenet that there is no one right answer because children don’t sum to an average but are infinitely complex individuals, and new approaches to the challenges of education can emerge.

Nature provides beautiful metaphors for our world of education, and one I’ve found especially valuable at this moment is that of “punctuated equilibrium,” where evolutionary biology teaches us that once a species appears in the fossil record, it is remarkably stable until extraordinary external events cause rapid evolutionary change. Such, I think, is the case with schools (basically the same organizational structure and curriculum for a century and a half), but the extraordinary external events (technological advances, globalism, climate crises) call for rapid evolution for survival, and I believe independent schools—nimble, pedagogically creative, differentiated, covenantal, and responsive—can best show us the way.

E.E. Ford Grant Winners

The E.E. Ford Foundation issues grants to independent schools three times a year. Here’s a list of the most recent award winners.

Traditional Grants Awarded in 2021 (Awards up to \$100,000)

June 2021

- All Saints’ Episcopal School (TX)
- The Association of Independent Schools of Greater Washington
- Bosque School (NM)
- Catlin Gabel School (OR)
- Dublin School (NH)
- Forsyth Country Day School (NC)
- Greenwich Country Day School (CT)
- The Harley School (NY)

- Northwood School (NY)
- The Paideia School (GA)
- St. Augustine Preparatory School (NJ)
- St. John's Preparatory School (MA)
- Shady Side Academy (PA)
- Wakefield School (VA)

March 2021

- Hutchison School (TN)
- Millwood School (VA)
- North Carolina Association of Independent Schools
- Rutgers Preparatory School (NJ)
- Santa Catalina School (CA)
- The Steward School (VA)
- Trinity Preparatory School (FL)
- Walden School (KY)
- The Webb Schools (CA)
- Westminster School (CT)
- The Wheeler School (RI)

Educational Leadership Grants Awarded in 2020 (Awards of \$250,000)

November 2020

- Breck School (MN)
- Friends' Central School (PA)
- The Hewitt School (NY)
- Maret School (DC)

Traditional Grants Awarded in 2020 (Awards up to \$100,000)

June 2020

- Academy of the Sacred Heart (LA)
- The Branson School (CA)
- Cushing Academy (MA)
- Fugees Academy (OH)

- Gaston Day School (NC)
- Gwynedd Mercy Academy High School (PA)
- Head-Royce School (CA)
- Long Trail School (VT)
- Marlborough School (CA)
- The Sharon Academy (VT)
- University Liggett School (MI)
- Viewpoint School (CA)
- Westchester Country Day School (NC)

Special Grants Awarded in 2020 (Award amounts vary)

- A joint project between Association of Independent Maryland and DC Schools and Association of Delaware Valley Independent Schools
- Flintridge Preparatory School (CA)
- Friends Council on Education (PA)
- Southern Association of Independent Schools

Learn more about the projects and work that schools are doing as a result of their grants at eeford.org.

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