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The state, business and education: Public-private partnerships revisited

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Contents

<i>List of contributors</i>	vii
<i>Series preface</i>	x
1 Introduction <i>Gita Steiner-Khamsi and Alexandra Draxler</i>	1
2 Experimenting with educational development: international actors and the promotion of private schooling in vulnerable contexts <i>Antoni Verger, Adrián Zancajo and Clara Fontdevila</i>	16
3 Advocacy as core business: new philanthropy strategies in Brazilian education policy-making <i>Marina Avelar</i>	39
4 Private participation in the education of Syrian refugees: understanding the roles of businesses and foundations <i>Zeena Zakharia and Francine Menashy</i>	52
5 Allies and competitors: private schools and the state in China <i>Barbara Schulte</i>	68
6 Unfair competition: exploring state-funded low-fee private schools' logics of action in Buenos Aires <i>Mauro C. Moschetti</i>	85
7 From billionaires to the bottom billion: who's making education policy for the poor in emerging economies? <i>Carole Anne Spreen and Sangeeta Kamat</i>	106
8 From low-cost to low-fee: BRAC's transition to a for-profit private school model in Bangladesh <i>Emily Richardson</i>	131

9	Death by a thousand cuts: privatizing public education in the USA <i>Joanne Barkan</i>	148
10	Public–private partnerships in education assessed through the lens of human rights <i>Mireille de Koning</i>	169
	<i>Index</i>	189

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Series preface

This is the first volume in the new *NORRAG Series on International Education and Development*. The books in the series intend to generate an international debate on emerging trends in education and provide space for authors who represent diverse perspectives and knowledge communities. The first volume opens new horizons on the debate about public–private partnerships in education as they diversify, expand and increasingly blur the distinction between the public and private sectors.

The series reflects the mission of the global Network for International Policies and Cooperation in Education and Training (NORRAG) to produce, disseminate and broker critical knowledge on topical issues that emerge in education and development. Through its programs, knowledge production and dissemination, NORRAG contributes to enhancing the conditions for participatory, informed, and evidence-based policy decisions that improve equity and quality of education. In fact, the series aims to serve as a knowledge broker at the interface between research, policy and practice within the comparative, development and international education community.

NORRAG undertakes its activities with partners, and its books will generally bear the stamp of several institutions. This particular book greatly benefited from a partnership with Education International (EI) and with the Open Society Foundations (OSF). Both organizations have for years supported research initiatives that investigate the impact of privatization on public education. In 2016 and 2017, the three organizations, EI, OSF and NORRAG, joined forces to support and disseminate research on the topic.

Several decades after the introduction and promotion by powerful international organizations and bilateral donors of PPPs in education, the reciprocal influence of the public and private sectors has seen the two come to behave similarly in many regards. This book

brings together new country-level research from Argentina, Bangladesh, Brazil, China, Rwanda, countries recipient of refugees from Syria, and the USA. The country research is framed by two chapters that present, first, a broad-scale analysis of a growing trend that weakens international and national commitments to the right to free and relevant education and blurs the boundaries between public and private goods, and second a framework for assessing the legitimacy and effectiveness of public–private partnerships.

Gita Steiner-Khamsi
Series Editor, New York and Geneva

1. Introduction

Gita Steiner-Khamsi and Alexandra Draxler

Public–private partnership (PPP) in education has gained enormous momentum in different parts of the world, including in developing countries. What started out in the 1960s with the notion that technology could help bypass teachers and therefore supposedly individualize learning, rapidly became a highly desirable business model for technology companies such as IBM, Dell Computers and later Apple. The sale of machines, programs and courses to interested districts and schools has half a century later reached an unprecedented economy of scale. Over the last dozen years or so, as proponents of privatization have successfully promoted a transformation of the role of business from supplier to “partner,” the notion of public education has become diluted by increasing state contracting or subsidy to for-profit entities carrying out whole-school and university establishment and management. What is more, the education industry is doing remarkably well despite periodic scandals.

All along, scandals and controversies have accompanied the recent boom of the global education industry. Beginning in the U.S., moving on to the U.K., and heavily promoted for developing countries by aid agencies, loosely-regulated private schools operating under “charter” or as “academies” with state or city authorities have multiplied, as have examples of fraud, corruption, closure, high costs and poor results. Nowadays, the for-profit model of Bridge International Academy schools in Uganda (Riep and Machacek, 2016) and in Liberia (Romero, Sandeful and Sandholtz, 2017) has become a topic of great concern and heated debate. Similarly, the education giant Pearson has come under siege for developing tests (e.g., 6th and 8th grade English Language Arts in

New York State, or PISA 2018 globally) and simultaneously selling the books and the teacher training in preparation of the test. It is important to bear in mind, however, that substandard quality, unfair competition, and other “irregularities” have plagued PPP dating back to its early days. In the United States, the disenchantment with the education industry and its periodic scandals grew to the extent that businesses were locked out of schools for several decades (see Tyack and Cuban, 1995). The expulsion did not last. In fact, the question has become: given these setbacks, why has the education industry returned in recent years with full force, become an influential actor in public education, and is likely to further expand its role and its geographical reach in the near future?

There is no dearth of compelling analyses that explain the explosive growth of PPP in education. We would like to confine our summary to three frequently discussed explanations: (1) the shift from government to governance has benefited businesses; (2) businesses rely on the prospects of an economy of scale and therefore actively engage in a continuous standardization of education; and (3) governments have managed to reframe PPP as a global solution to their local problems. As we will highlight at the end of this introductory chapter, much could be gained if one would also include a fourth perspective: a system-theoretical perspective which focuses on the interaction between the public and the private sector.

THE SHIFT FROM GOVERNMENT TO GOVERNANCE: A BUSINESS OPPORTUNITY

The shift from government to governance is commonly seen as the result of new public management policies that most OECD countries introduced in the wake of neoliberal reforms of the 1980s and 1990s. In the education sector, the shift implied a new role for the state, new ways of regulating the education system, and new tools for generating or alleviating reform pressure. The reforms were undertaken with the rhetoric of breaking the “state monopoly,” using “market forces” (demand and supply) to improve the quality of public education, and cutting inefficiency in the “state bureaucracy.” Regardless of whether the public education system was high- or low-performing, governments were under political pressure

to selectively borrow new public management policies that encouraged non-state actors such as businesses, churches, communities, and families to open and operate schools with funding from public resources. Within a short period of time, the governments scaled back the role of the state in education from one in which it was at the same time provider and regulator to one in which it could withdraw to being only a standard-setter and regulator. Target-setting and benchmarking became the key governance tools. In education, the outcomes orientation of new public management reform triggered a proliferation of standardized student assessment. The tests have, for a variety of reasons, been utilized as the primary monitoring tool for governments to assess the quality of teachers, the school, the district, and the education system, and to make policy decisions based on these standardized assessments. The shift from government to governance has not only fueled a “governance by numbers” (Ozga, 2009) but also required from governments that they engage in “network governance” (Ball and Junemann, 2012) in which non-state actors, including education businesses, are not only seen as providers of goods and services but also as key partners in the policy process. The empowerment of non-state actors in the new millennium, notably businesses and philanthropies, as key policy actors has been interpreted as a clear sign of the “disarticulation and diversification of the state system” and the “destatalsation” of the policy process (Ball and Junemann, 2012: 24) which neoliberal reforms of the past century intended to achieve.

THE ECONOMY OF SCALE AND STANDARDIZATION OF EDUCATION

The fast advance of PPP needs to be understood against the backdrop of critical studies on how capital works. A wide array of scholars in political economy (Robertson and Dale, 2015; Jessop, 2016; see also Jules, 2017), market sociology (Beckert, 2010; see also Verger, Steiner-Khamsi and Lubienski, 2017), and world systems theory (Wallerstein, 2004) have convincingly dissected the logic of the capitalist world system and also, more specifically, explained the fast pace with which the global education industry has grown (Verger, Lubienski and Steiner-Khamsi, 2016). Arguably,

the logic of the education industry reflects the workings of capitalism at large: the objectives being to:

- Transfer a significant proportion of education expenditure from human intervention to manufactured products by lowering the cost of teacher preparation through modularized teacher training, lowering salaries and producing high-volume standardized teaching and learning materials, all in the name of efficiency and cost-effectiveness;
- Create new markets by propagating the need for individual and public investment in longer educational attainment, credentials and life-long learning that are supposedly required in a globalized knowledge economy; and
- Compete with other providers of goods and services, notably the public sector, by framing the private sector as more flexible, transnational and cosmopolitan than the public sector. In fact, the private sector presents itself as a modernization project which “gives priority to newness, change, progress” (Wallerstein, 1990: 47).

These are but three basic strategies that enable businesses to generate economy of scale and thereby amass profit. The cultural dimension is not to be underestimated. Providers tend to present themselves as better equipped for responding to labor demands and for preparing students for twenty-first century skills. The facts that the schools of the global education industry, ranging from the low-fee Bridge International Academy to the high-fee International Baccalaureate schools, are accredited internationally, use English as a language of instruction, and make ample use of technology are important selling points. As a media analysis of three major financial media outlets (*Economist*, *Financial Times*, *Wall Street Journal*) has shown, the three most common narratives in the business community are the following: (1) public education is in crisis; (2) there is no correlation between spending and education outcome; and (3) school accountability, teacher performance and decentralization represent the most effective policies to improve the quality of education. Drawing on these three common narratives, the financial media outlets present a particular vision of how to improve education; a vision in which the private sector is supposed to play a major role (Steiner-Khamsi, Appleton and Vellani, 2018).

Strikingly, with the fast advance of the global education industry, we have now entered a vicious cycle or, more specifically, a standardization helix: As briefly sketched above, the new public management reforms reduced the state responsibility to the tasks of paying for compulsory education, standard-setting and benchmark monitoring. Standardization of education was a necessary condition for businesses to enter the education market. However, once businesses entered the education sector, they further standardized and modularized education to lower production and delivery costs and to increase the number of customers (see Verger, Lubienski and Steiner-Khamsi, 2016). As a result of outcomes- or standards-based educational reform, the same test, textbook, teacher education module, and so on may be sold not only once, that is, to the client (a school or a district) who pays for its development, but to many new clients. Intellectual property rights are captured by the private sector, locking the public sector into long-term dependency. To be fair, the process of continuous standardization, rationalization, and normalization has occurred in every sphere of society (Bromley and Meyer, 2015). In the education sector, this process has benefited businesses and has run counter to highly-valued pedagogical principles of teacher autonomy and individual student needs.

RECEPTIONS AND TRANSLATIONS OF GLOBAL EDUCATION POLICIES: THE CASE OF PPP

Finally, PPP needs to be seen as a global education policy that started out in a few countries and then, with every new government adopting PPP policies, become de-territorialized to the extent that it could be catapulted as an international “best practice” from one corner of the world to the other (Robertson and Verger, 2012). The role of the International Monetary Fund, the World Bank, USAID, DFID and other international and bilateral aid agencies in disseminating, and funding, PPP policies was substantial. D. Brent Edwards (2017) examined how the program EDUCO (Education with Community Participation), established during the post-civil war period of El Salvador, was funded by USAID and the World Bank, propagated as a “best practice” for teacher accountability and decentralization, and was actively transplanted to other aid-recipient

countries. Similarly, other PPP models—some of which are presented in this book—have been transferred with international funding from one country to another. Researchers who study “traveling policies” typically adopt a bird’s eye view on dissemination. Their “perspective from above” enables them to understand why some policies scale up and spread, and other do not. Clearly, the active role of international organizations in lending or disseminating specific policies and programs, coined as “best practices” or “international standards,” needs to be acknowledged. However, the perspective from above—often associated with world culture theory—provides only one of several angles for understanding the spread of global education policy (see Steiner-Khamsi, 2012).

Another angle illuminates why, how and when national or local policy actors selectively borrow global education policy. This “perspective from below” pays attention to processes of reception and translation when global education policies, such as PPP, are borrowed at the local or national level. A new body of research emerged over the past few years in which the “perspective from below” was advanced in important new ways. There is a long-held tradition in comparative education to investigate the reasons of “cross-national policy attraction,” that is, to examine why governments borrow, emulate, or transfer policies from elsewhere (Phillips, 2012). In a similar vein, Antoni Verger pursues an important question in his studies of PPP and privatization: why does a global education policy resonate in a specific context, that is, why did the policy actors “buy” or buy into the policy? He used this interpretive framework to understand how the PPP reform package was “sold” to governments in low-income countries and why they bought into it (Verger, 2012). A logical consequence of his first analytical approach to understanding cross-national policy attraction was to further ask: what did the borrowed global education policy build upon or what did it replace? What was in place before the global education policy was adopted? He used the second type of research question to trace the pathways to privatization in different countries (Verger, Fontdevila and Zancajo, 2016). Verger and his associates identified six different pathways: privatization as a drastic state sector reform (e.g., Chile, the U.K.), as an incremental reform (e.g., the U.S.A.), in social-democratic welfare states, as historical

public–private partnerships (e.g., the Netherlands, Spain), as de facto privatization in low-income countries, and privatization via disaster.

The assertion that global education policies resonate for different reasons in different contexts has also been made in recent studies on why international large-scale student assessments (ILSAs), such as PISA or TIMSS, resonate in different countries. The question is relevant given that ILSAs have experienced an exponential growth both in terms of frequency with which such student assessments are carried out and in terms of educational systems that participate. The most widely advanced rationales concern the claims that valuable lessons can be derived from comparing educational systems both at a certain point in time and over time. Camilla Addey, Sam Sellar, Gita Steiner-Khamsi, Bob Lingard and Antoni Verger (2017), however, move beyond these rationales and present instead a sophisticated analytical framework that allows them to identify the wide array of reasons of why national governments participate. The seven most common reasons for governments' engagement with ILSAs are: (1) evidence for policy; (2) technical capacity building; (3) funding and aid; (4) international relations; (5) national politics; (6) economic rationales; and (7) curriculum and pedagogy.

PUBLIC AND PRIVATE SCHOOLS: BECOMING INCREASINGLY SIMILAR OR DIFFERENT?

The three bodies of studies, presented above, form the theoretical foundation for this book. All the chapter contributors have drawn in one way or the other from these three different interpretive frameworks, each of which is well-established in comparative policy studies. For this book, we have also introduced a fourth interpretive framework that is, however, less known in educational research: sociological system theory as formulated by Niklas Luhmann. In fact, the title of the edited volume is intended to provoke associations to a perspective typical of a system-theoretical approach: analyzing what happens when two systems (public education system and private education system) interact. How do the two systems change as a result of this interaction?

Several authors in this book have observed that the close collaboration between the public and private for-profit sectors,

advanced as part and parcel of managerial reforms of the past twenty years has blurred the boundaries of how the two types of providers conceive, design and speak of basic educational services and goods. The private sector has adopted concepts from the public domain and thereby attempts to speak the language of the public sector by emphasizing issues of learning and quality of education. Vice versa, the public sector seems to emphasize the cost-effectiveness of its endeavors and has introduced, among others, a creeping scheme of a fee structure (free education for basic services but parental contribution for all extra services and goods), lowering investment in teacher education, and promoting an economy of scale for introducing the same standards, textbooks, and the same twenty-first-century skills regardless of national education system, and so on. While the vocabulary of commitment to inclusiveness, nurture of diversity, and multiple paths for individual journeys to the acquiring of skills and competencies is still used, the mass production model has become the more accepted one in both national and international circles. Scripted teaching, international standardization of process and desired outcomes, and a focus on measurable performance are the benchmarks of a manufacturing approach. The adoption of private-sector language and techniques for education as pointed out earlier thrives on a narrative of failure of public institutions and trust in the private sector as the favorable alternative.

The chapters in this book examine the consequences of these developments by analyzing the impact that PPPs, voucher schemes, for-profit fee-based basic education and other forms of public support for the private sector have had on *public* education, in particular, on promises of ensuring equality, serving the common good, and promoting equitable quality learning opportunities for all.

Ten or twenty years after PPP emerged as a growing force in the education sector, the two sectors have become in many regards alike. What aspects of public education are especially at risk of taking on the logic of the private sector? Do we see the contours of a “scandalization industry,” accompanying international large-scale student assessments (ILSAs) such as PISA, PISA-D, IEA studies, and regional ILSAs? Even though the private sector directly benefits from the scandalization of the public education system, do government officials sometimes welcome the attack against public education because it enables them to mobilize financial resources

and build political coalitions for introducing reforms? What is the role of the various policy actors (businesses, transnational actors, non-governmental organizations) in weakening public education and how do they differ in their strategies and approaches? What is happening in countries where the privatization of education has reached such a high volume that the middle class has started to show a disinterest to further support the public sector financially, and has created its own parallel educational system, funded from public as well as private means?

In addition to the critical analyses of why and how PPP has gone global, it is necessary to examine what the expansion has meant for public education. The quantum leap in privatization has in some countries had the effect of reducing the overall size of public education, indeed in a few countries there is a danger of virtual disappearance of public education as we know it. Privatization has also put in motion a gradual metamorphosis of the public education system. Rapid privatization has transformed how public schools are managed, teachers are hired, students are taught, and parents are involved. Clearly, the retreat of public education has generated new niches and opportunities for the education industry. Moving beyond a zero-sum assumption (more private schools means fewer public schools), other important questions arise. One of the key questions is whether the two systems gradually converge or diverge as a result of their interaction. These are only a few questions that the rise of PPP begs for investigation, analyses, and discussion. The chapters in this book represent an attempt to contribute to this important discussion.

OVERVIEW OF CHAPTERS

Two chapters pay special attention to the opening provided for public-sector influence and intervention by weak government.

Antoni Verger, Adrián Zancajo and Clara Fontdevila (Chapter 2) draw the link between weak government and privatization, either where the offer of public education does not meet numerical or quality demand, or in contexts of disaster. They illustrate how international organizations facilitate the supply of preferred solutions (technology-based, product-placement oriented, and/or designs which are not tailor-made but seen as incubating wide-ranging

techniques or materials). They underline the scant or absent empirical base for the cost-effectiveness or quality improvements brought about by the introduction of for-profit low-fee private schools (LFPS) and the ultimate financial support by international organizations and subsequently governments needed to keep them operating. They demonstrate the legitimization process of reforms introduced in contexts of emergencies whereby the reforms can be subsequently disseminated with low scrutiny or democratic accountability. Similarly, market-based managerial reforms, often with the dual aim of higher control and reduced cost and influence of teachers as well as the generation of private profit, once tested in emergency settings, take on respectability and legitimacy for wider transfer.

Marina Avelar's study (Chapter 3) looks at the way in which new philanthropies are positioning themselves to become insiders in the policy-making landscape, blurring the lines between public and private influence and decision-making. With the growth of philanthropic giving comes a concurrent push on the part of individuals and institutions for greater influence in the broader policy landscape, beyond projects or single issues. Advocacy, based on research and policy papers by groups with an interest in the outcome, is produced and promoted by informal (or even not so informal) cartels.

Zeena Zakharia and **Francine Menashy** (Chapter 4) take an in-depth survey of private actors and their interventions in camps sheltering Syrian refugees in Jordan, Lebanon and Turkey. They find a mix of altruistic and self-serving motives in what another researcher has dubbed "disaster capitalism." The needs are great, and many more are attended to than they would be without private-sector involvement. However, overlap among actors, the strong incentive to mix philanthropy with product and brand placement, inappropriate technology-based solutions in circumstances without the requisite infrastructure for implementation, and straightforward profit motives, can ultimately slow recovery and further weaken already fragile state systems.

Three chapters examine the co-existence of public and private education in unevenly regulated environments, where providers compete, occasionally collaborate and diversify their offers according to local environments and the level of tolerance by authorities for market-oriented functioning.

Barbara Schulte's study on private education in China (Chapter 5), based on fieldwork over a period of four years in Beijing and Kunming, takes a nuanced look at how private education so far fills a need, provides a niche for profit and takes a back seat policy-wise to public education. Several factors influence both demand and supply of private schooling, although until now public schooling has been widely seen as the quality option. Children of migrants of varying economic status have legal obstacles to accessing public schooling. Regional governments can provide subsidies to private schools, which can be established on the premises of public schools and share their name. Builders of gated communities are required to provide free schooling, which when it is of high quality drives up the value of properties and more than compensates for the cost outlay. Special needs children are poorly served by the public system, creating another niche for private actors. After-school tutoring is widespread, and there is a demand for private schools that offer such tutoring on their premises. Finally, although profit from private schooling is required to be "reasonable," the definition of what is reasonable is poorly regulated, leaving another opening for comfortable profits.

Mauro C. Moschetti (Chapter 6) studied state-funded low-fee private schools that are a singular form of public-private partnership in Buenos Aires, Argentina. The intention is to subsidize an expansion of the offer of schooling to complement inadequate government provision, principally through subsidies for teachers' salaries. On the whole, schools and their managers do not see the various types of state-funded private schools as being in competition with each other. Through a series of adaptive mechanisms (notably selection of students, operational style, and differentiation of curriculum) the for-profit schools manage to create their own niche market, with corresponding inequalities between the different types of education available and the students who attend different types of schools.

Two chapters describe research on low-fee private schools in Hyderabad, India, and Bangladesh, respectively. In environments where regulation is weak or non-existent and public provision is inadequate, demand is high for private education and entrepreneurs (including the largest NGO in the world, BRAC) are stepping in.

Carole Anne Spreen and **Sangeeta Kamat** (Chapter 7) look at the fast-growing influence of so-called "affordable" or "low-fee"

private schools in Hyderabad, where the ratio of public to private schools has reached 1:4. The combination of a large technology community, combined with the identification by several technology corporations and international chains of India as one of the largest potential markets for low-fee, high-volume schooling where savings are projected through reduction of cost by using unqualified teachers, has made this the testing ground for a new model. The authors demonstrate that so far the model is not profitable independently of government support and that quality has not risen compared to public schooling. On the other hand, fees are affordable only for low-income, not poor families, exacerbating stratification in access to education.

Emily Richardson (Chapter 8) presents research on the evolution of BRAC, the largest NGO in Bangladesh and the world, from a provider of free or very low cost private education for the very poor financed entirely by international donors to a profit-making model for the modestly poor. Facing reduced funding and seeing an increasing lower middle class demand for private schooling, BRAC has moved since a relatively small-scale pilot in 2010 towards a for-profit model that has more than 7,000 one-room schools with 210,000 pupils. It has recently partnered with the publishing giant Pearson for advice on branding and marketing. BRAC seems to have benefited from its historically positive image, with many people unaware of its transformation. This pivot of a non-profit NGO with a positive name to a for-profit model may change the educational landscape in Bangladesh, and also motivate non-profits in other countries to try this potentially lucrative adaptation.

Finally, two overviews providing first, the conceptual framing of privatization in the broader perspective of dismantling regulation in the U.S., and second, pushback in the form of emerging international regulatory frameworks put forward by some key stakeholders, round up the research.

Joanne Barkan (Chapter 9) takes readers through the history and the current state of education privatization in the United States, the country that is arguably behind both the concept of privatization and its remarkable spread. She draws a link between neoliberalism and resistance to racial integration of schools. On the one hand, the use of public funds to subsidize children's attendance at whites only private schools emerged in the 1950s. On the other hand, Milton Friedman's neoliberal thinking included the insistence that even

education should be regulated only by market forces that would enable consumers to choose. A third important factor in privatization is the widespread acceptance by public authorities of a narrative of school failure in which the villains are unions, public authorities, regulation, and lack of adequate standards.

Mireille de Koning (Chapter 10) provides a fitting closing, examining various efforts to develop an analytical and regulatory framework for public–private partnerships, private schooling and profit-making in the education sector, based on international and national human rights agreements and obligations. There are many, and sometimes conflicting aims of international and national actors: respecting commitments to offer free basic education to all, increasing access to education, providing education in situations where governments are weak or where crises have dismantled or disabled education institutions; ensuring equity and quality and pertinence. Based on a growing body of research that can inform policy, as well as consultation with stakeholders, the human rights lens can provide a tool for navigating in a challenging new educational landscape.

The chapters in the book demonstrate on one hand how the public and the private sectors in education have undergone in many countries a considerable transformation as a result of their interaction. On the other hand, they show that public–private partnership means different things in different countries. As a result, the responses to how to remedy the negative aspects of the PPP global education policy need to be nuanced and contextualized.

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2. Experimenting with educational development: international actors and the promotion of private schooling in vulnerable contexts

Antoni Verger, Adrián Zancajo and Clara Fontdevila

INTRODUCTION

International actors, including international organizations (IOs), private foundations and international consultancy firms, play an important role in promoting education reform and related education policy transfer dynamics. Existing research on global education policy shows that the presence of international actors is particularly intense and visible in low-income countries as well as in countries that are vulnerable for economic, political and/or humanitarian reasons. As in a zero-sum game, the presence of international agencies—and their human, material, discursive and communications resources—aims to compensate for the financial gaps and the administrative restrictions that the governments of vulnerable countries face in core policy domains. Nonetheless, as we argue in this chapter, international actors do not only operate in contexts of fragility for humanitarian reasons, or to cover governmental needs. For many international actors, situations and contexts of vulnerability are privileged moments and spaces to promote their preferred policy reform approaches, and to experiment with “innovative” policy solutions that would be difficult to implement in more stable and plural political systems and/or in less needy societies (Gauri, 1998).

In this chapter, we analyze the role and impact of international actors in educational reform processes by focusing on the way these

actors promote pro-private education solutions, such as vouchers schemes, charter schools, or school-based management, with a focus on vulnerable contexts. Specifically, the chapter identifies which international players have been more present in the promotion of the education privatization agenda, and analyzes the policy mechanisms they have wielded to further a controversial agenda in contexts of vulnerability.

To achieve these objectives, the chapter is structured in five main parts. In the first part, we briefly describe the main theories of policy transfer, looking in particular at the role of international organizations and other international actors in the promotion of policy transfer. In the second part, we reflect on the pathways of global education privatization to show that international players are especially active in the promotion of education privatization in contexts of social, political and economic vulnerability (in contrast to more developed societies, where education privatization is a more endogenous phenomenon that can be better explained by the role and presence of local actors and domestic institutions). In the next two sections, we present in more detail the two paths toward education privatization in which international players have been especially prominent, namely the expansion of low-fee private schools in low-income countries, and the promotion of pro-private sector solutions in contexts of emergency (including natural catastrophes and political conflicts). To conclude the chapter, we discuss our main findings.

THE ROLE OF INTERNATIONAL ACTORS IN POLICY TRANSFER DYNAMICS

Currently, a dense network of international players interacts to promote their views and preferred policy solutions worldwide. Indeed, international organizations usually have both the economic and material leverage to promote educational agendas internationally, as well as the technical capacity (including the skills to generate and organize internationally compatible data) to promote policy transfer, borrowing and lending. Nonetheless, existing research does not necessarily agree on the specific mechanisms that international actors activate in policy change and policy transfer dynamics. Here, it is relevant to distinguish between

different theories of policy transfer (namely, rationalism, neo-institutionalism, international political economy and constructivism), and pay attention to the specific role that these theories attribute to international actors and to IOs in particular.

Rationalism assumes that national policy-makers, either pressured for or desirous of reform, will look for and adopt what they see as appropriate and effective policies from other countries or international organizations. It is supposed that some policies travel internationally—or become global reform models—because there is enough evidence to show that the policies in question “work” or, in other words, produce positive outcomes in specific domains.

Rationalism therefore assumes that IOs operate as *forums* of policy ideas in which member states voluntarily participate. In the context of IOs, countries exchange about best practices and learn from the most successful international policies and experiences. So, the role of IOs would be that of facilitators and honest brokers of evidence-based practices. However, rationalism is insufficient for understanding the global dissemination of education reform models for which empirical evidence is inadequate. The policies we focus on in this chapter highlight this dilemma. Universal voucher schemes or charter schools have been extensively criticized for their uneven and even negative impacts in terms of equity. Nonetheless, criticism and lack of positive evidence have not prevented them from continuing to be internationally promoted by influential international organizations.

Neo-institutionalism responds to rationalist assumptions by stating that legitimacy—instead of functional efficiency or empirical evidence—is the major driving force of policy transfer and policy adoption dynamics. In this theory, to increase their legitimacy and ensure their persistence in power, governments embrace rules, norms, and routines that are widely valued in their organizational environment, independently of whether they “work” or not (Dobbins and Knill, 2009). According to neo-institutionalism, education models spread as part of the diffusion of a culturally embedded model of the modern nation-state. Thus, public–private partnerships (PPPs) and other pro-private sector policies circulate globally through the force of an imagined Western modernity and the corresponding desire for developing country governments to show and feel they are constructing a “modern nation-state.” In this sense, neo-institutionalist scholars would argue that many developing

countries are implementing private-sector-friendly policies that are not necessarily matched to their institutional legacy or needs or resources.

For neo-institutionalists, IOs are not as neutral policy actors as rationalists assume. IOs have their own agendas and actively disseminate global norms—understood as those “standards of behavior” that fit better with the Western system of political organization—in relevant policy fields such as education (Meyer, Ramirez, and Soysal, 1992).

International political economy (IPE) focuses on generally conflicting political and economic interactions between key policy actors who are key drivers of policy transfer and adoption. For IPE scholars, the global economy is the main driver of the multiple transformations manifested in different policy sectors, including education (Dale, 2000), and the main reason why particular reform models end up globalizing. In an increasingly globalized economy, the creation of new market opportunities becomes a state priority. From this perspective, education privatization reforms can be a functional state response to a globally expanding private education industry (Verger, Steiner-Khamsi, and Lubienski, 2017). In addition, economic liberalization, fiscal crises and increased demand for public services can lead governments to outsource public services, including education (Carnoy, 2016).

According to this view, IOs are conceptualized as key transmitters of instrumental, cost-effective and market-oriented views of education and educational reform to national contexts. Furthermore, IOs are far from acting as honest brokers. They tend to promote their preferred policy models and solutions, which are more ideological than pragmatic, in a coercive and top-down way (Dale, 1999). For instance, international development banks and international aid agencies have the capacity to oblige countries to take on particular education policies through conditionality to credit and/or economic donations.

Finally, from a *critical constructivist* perspective, IOs capacity of influence does not rely only on hard forms of power. It relies mainly on the legitimacy of the rational-legal authority that IOs represent, as well as on their control over information, data and technical expertise (Finnemore, 1996). According to Barnett and Finnemore (2004), IOs exercise power by organizing three types of apparently apolitical and technical actions. They are: first, classifying the world, for instance,

by categorizing countries according to their level of performance in international evaluations such as TIMSS or PISA and, accordingly, pressuring governments to introduce education reforms; second, fixing meanings in the social world by, for instance, defining “educational quality” both explicitly and indirectly by means of indicators and benchmarks; and third, articulating and disseminating new norms, principles and beliefs by anointing “good” or “best” practices in educational development.

Nonetheless, beyond this theoretical distinction, in real situations, IOs and other types of international actors are involved in more than one type of policy mechanism according to context and to the IOs’ mandate and organizational culture.

THE GLOBALIZATION OF EDUCATION PRIVATIZATION: MAIN TRAJECTORIES AND POLICY CONFIGURATIONS

Recently, the authors of this chapter conducted a literature review on the political economy of education privatization (see Verger, Fontdevila, and Zancajo 2016, 2017). In this review we analyzed the main drivers and factors behind pro-market and pro-private schooling reforms worldwide. The review allowed us to identify and to systematize six different *paths toward education privatization*, which we define as ideal types, in a Weberian sense, that contribute to systematizing and clustering real cases of educational privatization, although they do not necessarily correspond directly to empirical situations.¹ The main characteristics of these trajectories and the countries where these trajectories have been more prevalent can be consulted in Table 2.1.

¹ The original study followed a Systematic Literature Review (SLR) methodology, which consists in a review of the existent studies on a topic based on explicit, accountable and replicable methods (Gough, Thomas and Oliver, 2012). The main objective of this research methodology is to obtain an analytical synthesis of the existing literature that allows to answer the research questions that guide the study. Following the steps advanced by specialized literature, 227 studies were selected, reviewed and systematized after being screened against quality and relevance criteria. The documents were collected from a combination of sources including electronic databases, grey literature and specialized journals and websites.

Table 2.1 *Different paths toward education privatization*

Path	Countries	Origin	Description	Policy outcomes
1. Education privatization as a State sector reform	Chile, United Kingdom (esp. England and Wales)	1980s	Drastic privatization process as part of a structural state reform adopted on ideological grounds by governments explicitly committed to neoliberalism, and consolidated by subsequent center-left administrations.	<ul style="list-style-type: none"> – Per capita funding and other mechanisms of school competition. – Liberalization of the education provision sector. – School choice policies.
2. Education privatization in social-democratic welfare states	Sweden: early 1990s; Denmark: mid-2000s; Norway: early 2000s; Finland: late 1990s		Introduction of a wide range of market reforms, framed as part of a necessary modernization of the welfare state, and largely encouraged by social-democratic forces as a means to respond to middle-class demand for diversification.	<p><i>Internal diversity</i></p> <ul style="list-style-type: none"> – Sweden: ambitious voucher program and liberalization of the education sector. – Denmark: pro-school choice legislation. – Norway: authorization of subsidies to private schools. – Finland: major market reforms prevented by good results in PISA.
3. Scaling up privatization	United States of America, Colombia, Canada	1980s	Advancement of the privatization agenda through an incremental and uneven process, through the accumulation of low-scale reforms involving limited change, and with the key contribution of non-state actors organized in loose coalitions.	<ul style="list-style-type: none"> – Authorization of new forms of provision and management including charter schools. – Adoption of targeted, non-universal voucher programs (means-tested or special needs schemes).
4. De facto privatization in low-income countries	Malawi, Nigeria, Kenya, Ghana, Liberia, India, Pakistan, Peru	2000s	Proliferation of low-fee private schools, originally set up by local entrepreneurs as a response to demand-side forces, increasingly encouraged by the international development community and supported by corporate and philanthropic groups.	<ul style="list-style-type: none"> – Growing presence of low-fee private schools driven by profit and targeted to poor families. – Emergence of chains of LFPS operating on economies of scale. – Incorporation on LFPS in public-private partnerships.

Table 2.1 (continued)

Path	Countries	Origin	Description	Policy outcomes
5. Historical public-private partnerships	The Netherlands: beginning of the 20th century; Belgium: late 1960s; Spain: early 1980s		Establishment of PPPs during the educational expansion of the 20th century, given the historical role of faith-based institutions in the delivery of social services, and as a means to achieve a State-Church compromise and to avoid conflict among different confessions.	<ul style="list-style-type: none"> – Public subsidies for private schools within long-term contracts in the form of PPPs. – More recently, adoption of endo-privatization reforms (school autonomy policies, new public management reforms, etc).
6. Privatization by way of disaster	New Orleans: 2005; Haiti: 2010; Central America (El Salvador, Nicaragua, Guatemala, Honduras): early 1990s		Rapid advancement of education privatization catalyzed by situations of emergency (natural disasters, violent conflicts), framed by privatization advocates as an opportunity and in a situation of democratic void a involving a redistribution of power.	<ul style="list-style-type: none"> – New Orleans: rise of charter schools, decentralization, maximized school choice. – Haiti: consolidation and expansion of the central role private provision through public subsidies. – Central America: spread of school-based management programs.

In most cases, our review shows that education privatization tends to respond to endogenous logics and to the role of domestic political actors, national coalitions and domestic institutions, among other local contingencies (see paths 1, 2, 3 and 5 in Table 1). Nonetheless, our review also shows that international players have been especially active (and successful) in the promotion of education privatization in the most vulnerable countries (see paths 4 and 6 in Table 1). Specifically, we found that international actors played key roles as drivers of education privatization in two main settings. First, in a broad range of low-income countries where a diffuse network of international agencies is promoting the expansion of so-called low-fee private schools; and second, in contexts of emergency and humanitarian crises where international agencies of a different nature have advanced pro-school choice and pro-private sector reforms, taking advantage of the disaster situation and the reconstruction urgency. In the next two sections, we present both paths in more detail.

PRIVATIZATION BY DEFAULT IN LOW-INCOME COUNTRIES AND THE EXPANSION OF LFPS

Privatization by default is defined as an increasing involvement of private actors in the provision of basic education through a bottom-up process that doesn't necessarily involve state intervention. In other words, education privatization is not due to the active role of governments promoting privatization through, for instance, market-oriented policies, but is rather the result of private entrepreneurship in education and of families' demand for private schooling. In many low-income countries, the privatization by default phenomenon mainly materializes through the expansion of the so-called low-fee private schools (LFPS).

According to existing literature, the expansion of LFPS in low-income countries,² particularly in sub-Saharan Africa and

² It is difficult to estimate the real dimension of LFPSs because frequently these schools are not registered and don't appear in official statistics (Härmä, 2011; Härmä and Adefisayo, 2013; Srivastava, 2008).

South Asia,³ is explained by very diverse factors. The first and most obvious factor of LFPS is that these schools are more affordable for poorest families than conventional private schools. Nonetheless, in some contexts, LFPS are not economically accessible for the poorest social groups (Ashley et al., 2014; Härmä and Rose, 2012), or attract those families among the poor that have a higher level of education and/or more expectations for their children (Akyeampong and Rolleston, 2013; Fennell and Malik, 2012; Härmä and Adefisayo, 2013). In the case of some sub-Saharan African countries, where school fees in state schools have been abolished in the last years, LFPS have become an emerging option for those that want to avoid over-crowded classrooms in public schools or want to distinguish themselves from new entrants in the public education system (i.e., most socioeconomic disadvantaged or less skilled families) (Härmä, 2010). In other cases, the fact that state schools in rural areas are under-resourced or poorly resourced in comparison with public schools in populated areas (Mehrotra and Panchamukhi, 2007) feeds the social perception that private schools are better than public schools (Akyeampong and Rolleston, 2013). Finally, the fact that on occasion public education excludes or does not recognize the preferences and demands of some ethnic, religious or linguistic minorities also explains the expansion of LFPS among some social groups (Sarangapani and Winch, 2010; Walford, 2013).

Initially LFPS emerged as a quite spontaneous phenomenon at the margins of national governments' action (Walford, 2015). However, more recently, key international actors have actively promoted them. In recent years the role of international actors—including IOs, transnational corporations, private foundations or international policy entrepreneurs—in promoting and supporting LFPS has been crucial to global growth of LFPS. The most common argument of advocates is that, in the face of state failure, private alternatives are the most straightforward way to reach global development goals on education (Baum, 2012).

The World Bank has been one of the most active IOs in promoting LFPS in low-income countries. In fact, the World Bank

³ According to the existing literature LFPSs are growing phenomenon in countries like Malawi, Nigeria, Kenya, Ghana, India, Pakistan and Peru.

2020 *Education Sector Strategy* identified LFPS as a potential private partner in the provision of education in southern countries, and in particular as a desirable school option for socio-economically vulnerable students (Verger and Bonal, 2012; World Bank, 2011). In fact, the International Finance Corporation (IFC), the World Bank agency in charge of lending to the private sector, has been actively financing the expansion of for-profit private schools—investing up to \$162.28 million in private education providers between 2011 and 2015. In addition, IFC’s activity in this area is increasingly targeting lower and lower-middle populations and focusing on large school chains rather than individual operators (Smith and Baker, 2017). The clearest example of IFC’s support to the LFPS sector is the \$10 million equity investment in the LFPS chain Bridge International Academies, approved in mid-2013 with the explicit aim of stimulating its expansion in Kenya and other countries (IFC, 2013). The IFC has also started to include LFPS sector representatives in their international summits as a way to engage them in its international networks of investors and international consultancies. To be sure, the recently published *World Development Report 2018* suggests that the World Bank could be turning to a less enthusiastic or more cautious approach on private provision. The publication draws attention to the limited evidence on the private sector’s quality advantage as well as to the multiple risks entailed by private education expansion (World Bank, 2017). However, it is unclear to what extent such a shift at a discursive level will have a direct impact on lending practices—especially given a well-documented disconnect and lack of coordination or alignment between the IFC and the education sector in the World Bank (Mundy and Menashy, 2014).

For their part, some bilateral aid agencies have also been quite active in supporting the expansion of LFPS in the global south. Aid agencies from Australia, Canada, the United States and the UK are supporting LFPS as a way to reach the most vulnerable sectors of the population, those often excluded from the education system in low-income countries. The education strategy of DFID for low-income countries, as in the case of the World Bank, conceives LFPS as way of “expanding access and educational outcomes for poor children” (DFID, 2013: 19). DFID is funding, among others, the Developing Effective Private Education Nigeria Program to promote private-sector participation in the education market, or the

Punjab Schools Reform Roadmap in Pakistan to provide vouchers to out-of-school children to attend LFPS. DFID is also supporting LFPS chains like Bridge International Academies (BIA) and works closely with market advocates such as James Tooley,⁴ who regularly participate in the events on educational reform and private schooling organized by it (Junemann, Ball, and Santori, 2016).

Several multinational corporations are also involved in the expansion of LFPS in low-income countries. For example, Pearson PLC is actively promoting LFPS through the Pearson Affordable Learning Fund (PALF). Although one of the main arguments stated by Pearson to promote LFPS globally is the achievement of the EFA goals, it also believes these schools can become highly profitable investments. In an interview to the BBC in 2012, the chairman of PALF, Michael Barber, highlighted the profitable dimension of LFPS “It is absolutely for-profit. But get this right—it is important to demonstrate profit because we want other investors to come in” (Barber, as cited in Riep, 2014: 264).

It is important to note the relevance and the power of international networks, beyond the role of individual actors, in the global expansion of LFPS. International actors (IOs, aid agencies, private foundation among others) meet regularly in international summits, conferences or other types of international events that have become strategic in the promotion of LFPS (Junemann, Ball, and Santori, 2016). These meetings foster the establishment of relationships of trust between different actors, from education providers to funders and investors, to establish durable networks of collaboration and, ultimately, to close business deals. Nonetheless, the role of these types of meetings is also important from a more symbolic point of view because these spaces contribute to establishing an international and shared discourse about the desirability of education private sector involvement in low-income contexts (Santori, Ball, and Junemann, 2015).

Finally, it is important to point out that international LFPS promoters have begun advocating for the establishment of some

⁴ James Tooley is one of the most active promoters of LFPS at global level. Tooley, who is director of the E.G. West Centre at Newcastle University, has developed an extensive empirical research about the role of private schools in India and Nigeria. Despite its academic profile, Tooley has become one of the leading international advocates of LFPS.

forms of PPPs between national governments and LFPS. According to LFPS advocates, PPP solutions such as vouchers schemes could be a way to expand the role of private schools in education and to overcome the economic barriers of the poorest families in accessing these schools (Dahal and Nguyen, 2014). Nonetheless, as Srivastava (2014) points out, the establishment of PPP agreements between low-income countries' governments and the private sector entails important risks. According to her, especially PPPs with large private school providers are risky because these providers "operate with vested interests against those of the public, can lead to more complicated regulatory frameworks not less, and that they have the potential of becoming 'abusive' if the stronger partner dominates" (Srivastava, 2014: 2). In fact, the cost-effectiveness, scalability and sustainability of PPPs are increasingly called into question. A randomized impact evaluation of the Partnership Schools for Liberia,⁵ for instance, suggests that while there are some (modest) learning gains associated with the delegation of public schools to private LFPS contractors, these are at least partially explained by increased spending per child and by staffing selection practices that had significant negative side-effects on government schools (Romero, Sandefur, and Sandholtz, 2017).

PRIVATIZATION IN CONTEXTS OF EMERGENCY

Processes of *privatization by way of catastrophe* constitute a second path toward privatization in which international actors play a particularly relevant role. The urgency of humanitarian crises tends to shift power and policy relationships, with the result that local stakeholders tend to be marginalized in favor of external agents. Contexts of disaster thus provide international actors (including multilateral banks and aid agencies, global foundations and international consultants) with an opportunity to step into domestic

⁵ The Partnership Schools for Liberia (PSL) is a large-scale PPP program launched in September 2016 that establishes the outsourcing of 93 government schools to a range of private contractors. The program relies heavily on well-know LFPS chains including Bridge International Academies and Omega Schools, and is in fact very much modeled on the BIA experience in other countries (Verger, Steiner-Khamsi, and Lubienski, 2017).

reform processes as legitimate partners. In a way, the situation of democratic void (i.e., a lack of scope for a public and open debate), which is related to a sense of urgency, converts disasters in an un-scrutinized space particularly favorable to the influence of international actors. As recalled by Edwards (2015), contexts affected by conflict are susceptible to becoming “blind spots” where certain reforms are tested “and then promoted by international organizations that must ‘sell’ policies to sustain their *raison d’être*” (Edwards, 2015: 411).

This vulnerability to external action is especially obvious in low-income countries, where catastrophes and conflicts exacerbate the (already) difficult economic situation of governments. In these contexts, international agencies enjoy high levels of discretion in promoting policy agendas. Low-income countries are particularly susceptible to the influence of development institutions, whose funding power and technical support can steer education reforms. In recent decades, many of the agencies operating within these contexts (development banks in particular) have embraced a pro-market or pro-private sector agenda—and have been able to impose this reform approach in post-conflict or post-catastrophe situations.

Importantly, the role of international actors is instrumental not only for the adoption of particular policy solutions, but also for their legitimation and consolidation in the long run. To a great extent, experimental interventions in catastrophe settings have an “amplification effect” in the sense that the interventions end up traveling to and affecting a larger geographical area than the original site of the catastrophe. In this sense, emergency situations frequently work as testing grounds where external actors can experiment with radical solutions that, later on, could be scaled up and transferred to other locations as best practices with a “proven record” of success.

The education reform implemented in El Salvador during a post-war period exemplifies the high degree of influence of IOs in contexts of crisis—and its role in promoting a managerial reform agenda internationally. The civil war between 1980 and 1992 served as the basis for a system-wide reform during the post-war period, and allowed for the direct intervention of different international agencies and, especially, the World Bank. There, the World Bank was instrumental in establishing the Program of Education with

Community Participation (EDUCO)⁶, a school-based management (SBM) program which emphasizes community accountability for teacher performance by requiring parents to hire and fire teachers on one-year contracts, thus relying heavily on unpaid parent labor (Edwards, 2015; Edwards and Klees, 2012). The program promotes the participation of non-state actors in the educational system, and introduces some basic market mechanisms in education that mainly fall within the category of endogenous privatization (see Ball and Youdell, 2008).

Significantly, the first World Bank loan to support the EDUCO program was agreed upon in 1991—before the Peace Accords of January 1992 and consequently before there was a real chance for the reform to be openly discussed with more traditional education stakeholders. The leverage exerted by the World Bank over Salvadorian education policy continued throughout the 1990s through a series of conditionalities attached to the disbursement of loan tranches that secured the expansion and consolidation of EDUCO (Edwards 2013, 2015). Overall, the combination of the World Bank financial and technical support contributed crucially to the growth and consolidation of the program, which over the last decades has come to account for slightly more than half of rural public schools in El Salvador (Gillies, Crouch, and Flórez, 2010).

The “amplification” impact of disaster-induced reforms is particularly apparent in the Salvadorian case. The EDUCO model was seen as key opportunity to experiment with decentralization arrangements in education—at the time, deemed by the World Bank as a highly effective and efficient approach to educational provision—and it was scaled up accordingly. This experiment was in fact a crucial step prior to the global promotion of SBM programs. During the 1990s and 2000s, the World Bank promoted the community management model through a series of technical support initiatives, workshops and publications. In fact, SBM programs spread within Central America during the 1990s, frequently inspired by the EDUCO program. This was the case of the Program of Autonomous Schools (PEA) in Nicaragua, the National Program of Self-Management for

⁶ Acronym for the program’s name in Spanish.

Education Development (PRONADE) in Guatemala, or the Honduran Project of Community Education (PROHECO) in Honduras.⁷ All of them received substantial support from development banks and aid agencies, especially the World Bank (Ganimian, 2016). Ultimately, the SBM programmatic idea gained a sort of “global status,” being recognized as good practice by other IOs like UNESCO and, more recently, the Global Partnership for Education. In fact, the model inspired educational reforms in a variety of contexts beyond the Latin American region, including Nepal and Uganda (Edwards, 2015, 2016)—even despite the lack of conclusive evidence on the effectiveness of SBM reforms (Gertler, Patrinos, and Rubio-Codina, 2007; Santibañez, 2006).

Another illustrative example of these transfer dynamics can be found in Haiti, which is an extreme case of reliance on the private sector that was subsequently consolidated, encouraged by prominent international actors in a context of emergency. The devastation resulting from the earthquake that struck the country in January 2010 resulted in the consolidation of the country’s historical dependence on private education provision (including for basic education)—a phenomenon that, so far, had occurred *de facto* rather than as a result of purposive interventions. In view of the need to reconstruct a virtually destroyed system, and given the government’s limited administrative and financial capacity, a range of international organizations weighed in—approaching the central role of private schools not as a problem to be remedied, but as the basis upon which the new system should be articulated (O’Keefe, 2013).

This was notably the case of the Inter-American Development Bank (IADB), selected as the main partner of the Haitian government for the reconstruction of the education system. Through the financial support provided under the form of grants, the IADB was granted a privileged position and a high degree of influence on the education reform plan implemented by the Haitian government—and, presumably, would have played a key role in its pro-market orientation. The reconstruction plan put forward by the IADB was in fact based on the provision of subsidies to the private sector, conditional on certain requirements regarding infrastructure, teacher

⁷ Acronyms for the programs’ names in Spanish.

training and free tuition. In addition, the commitment to market logic was substantiated by the collaboration of the IADB with Paul Vallas, a prominent US advocate of pro-market education reforms (cf. Verger, Fontdevila, and Zancajo, 2016). The diagnostic report authored by this policy entrepreneur turned to the market reforms implemented in Chile and New Orleans as a model for the reconstruction of the Haitian system, and proposed an education expansion strategy based on a combination of school subsidies and an accountability system enabling closure of academically and financially struggling schools (Atasay and Delavan, 2012; Vallas and Pankovits, 2010).

CONCLUSIONS

Education reforms are the result of a combination of different drivers and the intervention of a diverse range of actors. This chapter has shown how international actors, including international development banks, international aid agencies and private foundations play an important role in the promotion and adoption of pro-market and privatization reforms in education, especially in contexts of vulnerability. Of the six paths towards privatization summarized at the beginning of this chapter, there are two paths in which international influence is essential for understanding the advance of education privatization reforms, namely privatization by default and privatization by way of catastrophe. These forms of educational privatization foster market-oriented solutions in developing countries as a way to achieve educational expansion and other development goals. In both cases, IOs have played a significant role privileging education privatization options and consequently dis-incentivizing direct state provision in education in low-income contexts.

The *privatization by default* path is mainly characterized by the expansion of LFPS. International actors of a very different nature have played an important role in legitimizing and expanding this relatively new kind of private schooling that targets poor families. Although the first wave of LFPS was essentially a local and bottom-up phenomenon, IOs and bilateral agencies have now begun to adopt LFPS as an integral part of their more recent education development strategies. These agencies conceive LFPS as a key ally

in the global development agenda, and as feasible instrument to achieve globally agreed education goals, such as the Sustainable Development Goals, in low-income countries. In the context of this path towards privatization, international actors have become relevant in two main stages of the policy process. First, during the stage of agenda-setting and policy selection, international actors are portraying LFPS as a desirable solution for expanding basic education in low-income countries, but also as a way of meeting the needs of minority groups, who are often excluded from state education systems. Second, at the stage of implementation, international actors contribute to the expansion of LFPS by financing LFPS chains directly or by promoting Southern governments adopting PPP arrangements with these types of chains through different funding products.

In the case of *privatization by way of catastrophe*, international actors are also a key component in the “catalyzing effect” that episodes of crisis represent in terms of accelerating the advancement of privatization reforms. Disaster-induced privatization reforms bring to the fore not only the central role of international organizations, but also the diversity of channels through which these organizations may impact in local processes of educational reform. As described in the chapter, the influence of international actors in privatization-by-disaster episodes rests on different degrees of coercion, and is channeled through the dissemination of norms or recommendations but also through imposition mechanisms (cf. Dale, 1999). However, the relative importance of these mechanisms and the associated sources of influence may vary in different moments of the policy process. During the stage of policy adoption, the leverage exerted by international organizations relies largely on their material and financing power. However, the consolidation and expansion of policy programs is very much the product of the international actors’ ideational capacity to impose a narrative on educational reform and improvement.

Overall, taking into account the role of international actors is essential to understand the adoption of education privatization reforms, especially in low-income countries and in countries affected by crises of a different nature. In these contexts, the presence of international actors has been essential to promote privatization policies not only as a desirable option but also as the most effective way to address the structural needs that these

countries face in the educational domain due to issues of scarcity of resources and administrative capacity. Humanitarian, economic, pragmatic and ideological reasons usually interact in the context of external intervention processes. However, we have also seen that for several IOs, vulnerable countries are settings where to experiment with disruptive policy approaches that would face greater contestation in more stable political and institutional systems.

Of all the theories of policy transfer presented in this chapter, international political economy approaches would have further explanatory power in understanding the dissemination and expansion of private-sector solutions in vulnerable contexts. The main role of international organizations in these contexts goes beyond that of a neutral knowledge broker, or a simple disseminator of global norms. In most cases reviewed in this chapter, coercive and imposition dynamics on behalf of IOs, mainly via financing mechanisms, have been identified. However, it is also true that international organizations do not simply impose private solutions via lending or funding conditionality. As critical constructivism theory would have expected, the international actors identified also spend time and resources in persuading different types of stakeholders, including national governments, about the desirability of adopting pro-private sector solutions, and in the organization of public and networking events where to frame, promote and legitimate their policy messages for a broader audience.

Ultimately, the policy dynamics shown in this chapter underline the multi-layered dynamics behind the advance of privatization in education, and the need for further research on the shifting power relations between actors operating at different scales. This type of research could contribute to a better understanding of which circumstances most readily lend themselves to external influence, and how global and local policy agendas constitute and affect each other.

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3. Advocacy as core business: new philanthropy strategies in Brazilian education policy-making

Marina Avelar

Influential foundations and institutes increasingly describe “advocacy” as a crucial part of their activity and often mention it as a distinctive trait of their work in contrast to former ways of “giving.” This chapter aims to analyse the strategies new philanthropy is adopting to advance its agenda in education policy-making in Brazil, or how it “does advocacy.” This new philanthropy advocacy is taking place in the context of a changing role of the state, which is moving from a hierarchical government to networks of governance (Rhodes, 1996). Concomitantly, philanthropy is also changing by embracing corporate practices and discourses, referred to as the “new philanthropy”¹ (Ball and Junemann, 2012), which “treats donations as investments, results as returns, and wants to be involved in decisions about how money is used” (Avelar and Ball, 2017: n.p.).

To better understand how these philanthropic organisations have been operating and gaining space and leverage in the education policy-making arena, this chapter analyses some “advocacy” practices, or strategies, using “network ethnography” (Howard, 2002). The method entails extensive and exhaustive online searches, interviews, and observation of events. Data was collected through Internet searches, analysing institutional websites, CVs, reports and

¹ In spite of its increasing relevance, this new philanthropy shift is not a definitive or homogeneous change in the sector, nor does it refer to a specific group of foundations.

pieces of news, and fieldwork was conducted in 2016. Throughout data collection and analysis, policy network graphs are built as a tool to identify relevant individuals, institutions, relationships and activities associated with specific policies or networks. The analysed practices that follow are from new philanthropy organisations identified as central (highly connected and influential) in Brazil, namely Todos pela Educação (TPE), Lemann Foundation, Natura Institute, Ayrton Senna Institute and Unibanco Institute.

The chapter first discusses the relation between new philanthropy and education policy-making. Second, it introduces four main strategies new philanthropy has been developing in Brazil around education policy. Finally, it discusses how these practices together have been creating conditions for an effective participation in education policy-making in the country, allowing the advancement of a range of common aims. I argue that to understand new philanthropy's work in education policy-making we must see its activity not as "outsiders" aiming to convince state policymakers, but rather as active members of a network of governance, or the heterarchical state.

NEW PHILANTHROPY AND EDUCATION POLICY-MAKING

Some research has been done around the work of new philanthropy in education policy advocacy, demonstrating a consistent global growth in philanthropy's participation in education policy-making. In the USA specially, some authors have been investigating the topic. The growth of advocacy was clearly illustrated with the study of Reckhow and Snyder (2014), who investigated giving patterns among the 15 largest education foundations in the country and demonstrated a growing financial support for national-level advocacy organisations. Ferrare and Reynolds (2016) conducted a similar study to analyse smaller foundations and their pattern of social investment. The trend towards investment in advocacy was also identified. Both studies gathered data about foundation donations through the Form 990 tax documents, published online by the Foundation Center.

With a different approach, some authors have also studied the philanthropic involvement in education policy in England (Ball and

Junemann, 2012; Ball, 2012; Olmedo, 2014, 2017), as well as related global networks, which extend to sub-Saharan Africa and India (Ball, Junemann and Santori, 2017). These studies discuss how new philanthropy composes networks that assemble an “‘epistemic community’ organised around specific interpretations of existing social problems, emerging business niches, and new policy solutions” (Santori, Ball and Junemann, 2015: 24). In this sense, the authors examine more opaque ways in which new philanthropy participates in policy-making, playing fundamental discursive and relational roles.

A growing presence of new philanthropy in education policy-making has also been identified and analysed in Latin America. Peroni and Adrião (2006, 2008) have analysed how foundations in Brazil have been promoting an agenda referred to as the Global Education Reform Movement (GERM) (Sahlberg, 2011), fomenting the privatisation of education services and the standardisation of teaching in public schools. Similarly, other authors have studied specific foundations and discussed how they have been successful in disseminating market-based policies in Brazilian education, including some organisations considered in this chapter such as TPE (Martins and Krawczyk, 2016; Martins, 2016), Ayrton Senna Institute (Comerlato and Caetano, 2013), and Unibanco Institute (Monteiro, 2013). New philanthropy has been a powerful actor in education policy-making as connecting nodes between non-profit, for-profit and state institutions.

Thus, partaking in policy-making, or doing what new philanthropists often refer to as “advocacy,” is becoming not only part of philanthropy’s activities, but indeed a crucial goal. In Brazil, a fundamental difference between peripheral and central philanthropies is the aim of influencing policy. Smaller organisations, which are placed on more peripheral positions in the network, conduct local work, with local authorities and other small NGOs. Larger and central foundations, on the other hand, describe policy-making as a fundamental aspect of their work. As David Saad, the Executive Secretary of the Natura Institute, asserts: “in practically all we do we have a desire that it may become a public policy” (Interview Natura Institute, 2016). Policy is both means and ends for these institutions: they aim to influence it, and use it as a way to reach the desired high-scale changes in education.

This trend is confirmed by the 2015 biannual survey conducted by the Group of Corporate Foundations and Institutes (GIFE in Portuguese), which connects Brazilian corporations and corporate, independent, family, and community associations and foundations that do “social investments for public benefit in Brazil” (GIFE’s website). Amongst GIFE’s members, 85 per cent indicate education as its priority investment. With a hands-on approach, 37 per cent run their own programs, 45 per cent run and fund projects and only 18 per cent of respondents primarily fund other civil society organisations. Regarding the involvement with policy, 89 per cent of respondents claim their work is related to public policy, and 58 per cent declare to aim at directly influencing or supporting policy-making. Moreover, amongst the ones that invest more than US\$21 million, 75 per cent aim at influencing policy. Thus, there is a growing social investment from philanthropy in Brazil, which is mainly focused on education and aims at influencing policy.

NEW PHILANTHROPY STRATEGIES IN EDUCATION POLICY-MAKING IN BRAZIL

Within this growing relevance of new philanthropy and its focus on education policy, below is an analysis of four fundamental “advocacy” practices these organisations have been adopting to participate in education policy-making in Brazil.

Creating a Basis for Action: ‘Studies’ and Reports

To perform advocacy, first, foundations fund and conduct studies to create the discursive basis and justifications for their positions, proposals and activities. These studies are fundamental for the other advocacy efforts, and there has been a growth in this type of work in Brazil since 2013. Before 2013 few reports had been produced, but since then most central foundations have been investing in the production of “research.”

These studies come in an array of formats and sizes, including small exploratory efforts to large-scale and heavily-funded studies, produced by known scholars in universities. In the first case, studies can be executed as a preliminary stage within a project, like Instituto Natura did with a project called “Full-time Schools.” A

representative from this institute affirmed that conducting an exploratory research is a “necessary first stage of a project” (Interview Natura Institute, 2016). On the other hand, studies can be more ambitious, emanating from an internal “research” department in foundations, or as part of a funding area, when studies are contracted out. Ayrton Senna Institute has mostly carried out its own studies, usually in partnership with another institution. Differently, Lemann Foundation, Natura Institute, Unibanco Institute and TPE have contracted out for reports from research organisations. Further, searching for legitimacy, some foundations have been developing close relationships to universities, including Lemann Foundation and Ayrton Senna Institute. The first has partnerships with Columbia University, Harvard University, Stanford University, University of Illinois, UCLA, Yale University and the University of Oxford; and the second with Insper, in Brazil, and the University of Ghent, in Belgium. Also participating in research spaces, including academic ones, TPE has been presenting papers in conferences and seminars, publishing papers in journals and conference proceedings, and partaking in different studies, including policy analysis for the government.

These studies are based on pre-existing epistemic positions of foundations. Foundations hire staff, consultants, or research organisations that hold similar epistemic and political positions as them. This practice produces what Hogan, Sellar and Lingard (2015) call a “new policy genre,” that “over-simplifies complicated policy issues and, moreover, sets a new standard for accessible ‘policy-relevant’ data analysis that prioritises impact over rigour” (Hogan, Sellar and Lingard, 2015: 52). An interviewee from the Lemann Foundation describes how it has been working for the advocacy of a new standard curriculum in Brazil with the Movement for the National Common Base (MNCB): “we started producing research here in Brazil about the need of having a common curricular base to Brazilian students ... This is what we try to do, the focus of our advocacy is making sure that people can make decisions based on evidence, having subsidies to make the best choices. So this is what we do, we share information.” With a clear agenda, studies are carried to “demonstrate the need” of a particular policy solution, which is introduced as “evidence” (Interview Lemann Foundation, 2016).

In this sense, new philanthropists have been operating as “policy entrepreneurs” (Kingdon, 1984), as individuals or groups that participate in policy-making through two main activities: defending ideas and fostering policy change (Capella, 2016). Carrying out studies is fundamental to legitimising such ideas and framing them in ways that can be regarded as “evidence-based,” although the policy objective often precedes the production of the supporting evidence. Defending the underlying ideas involves disseminating them to both policymakers and the general public, which often involves the press, as explored below.

Working with the Press: The Creation of the Specialist

New philanthropists have a growing presence in the press as columnists in newspapers and magazines or invited commentators on broadcast media on policy issues. They are increasingly gaining the status of “specialists,” occupying a central role in public debates about education. From TPE, Priscila Cruz is the writer of a weekly column in *UOL Educação*, from the large newspaper *Folha*. Viviane Senna (Ayrton Senna Institute) and Ricardo Henriques (Unibanco Institute) are often interviewed in major newspapers to discuss education policy issues. Similarly, the studies and reports explored in the previous session are often disseminated in the press as well.

Foundations may even account for “media hits” in their annual reports as part of their “impact.” TPE proudly reported 12 published articles in press, 2000 press clippings, 600 interview requests and 100 journalists trained on “how to cover education in the press” in 2015. Similarly, Unibanco Institute reported 609 mentions in press, with 131 in the national press and 189 specifically mentioning Ricardo Henriques, the institute’s Executive Superintendent. Arguably, this is beneficial for these organisations not only for the construction of the “specialist” image, but also for marketing purposes within the logics of philanthrocapitalism (Bishop and Green, 2010; McAlister and Ferrell, 2002). Except for TPE, the other four institutes carry with them the names of the funding companies or businessman.

Working with the press is central to the policy entrepreneur. Policy entrepreneurs need public legitimacy, which usually emanates from their expertise, their communication skills or their position in the formal process of decision (Kingdon, 1984). By

working with the press, new philanthropy is able to draw on its studies and public communication to build up an image of competence, in spite of being outside official decision-making processes or traditional locations of “expertise” in teaching and learning institutions. Relatedly, the press can be used to create pressure on governments, which is made clear by a Lemann Foundation representative in saying: “with the press as well, in a last case, if we truly believe in a cause and the Ministry of Education and the government do not abide by it, then going to the press is always a good opportunity” (Interview Lemann Foundation, 2016).

Yet another relationship built between foundations and the press in Brazil concerns the ownership of communication vehicles. For example, the Lemann Foundation and the Ayrton Senna Institute are owners of education magazines. The Lemann Foundation has purchased two “non-profit” magazines in education: *Nova Escola* and *Gestão Escolar*. These are the two largest magazines for teachers and educators in the country, with more than 120,000 magazines sold per volume, 45,000 subscribers and 2.5 million website visits per month. Besides being a large vehicle of communication, influence and discourse sharing with teachers and head teachers, these magazines are also a space for the commodification of education. In spite of being “non-profit,” companies can purchase advertisement space in the magazine, including the so-called “branded content” whereby “practical and informative content” (*Nova Escola* website), is offered with the name of the sponsor prominently displayed. Here, the selling of education products and services can be masked as “practical” and “informative” content, and as technical support for teachers.

“Meetingness”: Events as Places for Networking and Advocacy

Also used as spaces for framing and sharing policy ideas, meetings and events are strategically promoted by foundations and are a fundamental part of how they operate. These are spaces attentively crafted for policy-making that involve carefully selected values, speakers and attendees. Meetings are central to networks, and are “necessary to ‘form’ and to ‘cement’ weak ties at least for another stretch of time” (Urry, 2007: 231). By “meetings” Urry (2007) refers to “both the highly formalized with ‘agendas,’ structure and timetables and the informal to where the specific space and time are

planned in advance to where they are negotiated en route” (Urry, 2007: 232). In such spaces “network members from a range of backgrounds, come together, where stories are told, visions shared, arguments reiterated, new relations made, partnerships forged, and commitments made” (Ball, 2017: 35), all of which construct “meetingness” (Urry, 2007). There is both a discursive aspect in meetings, through the fostering of policy ideas, and a relational one, with the creation and strengthening of social relationships. Thus, the practice of “meetingness” combines both the policy entrepreneurship of defending ideas and the encouragement of policy change.

Concerning the discursive aspect, a representative from Lemann Foundation describes events as the following: “It is about working in the same way as in advocacy, we bring subsidies for the discussion, we promote exchanges, meetings, talking ...” (Interview Lemann Foundation, 2016). Hence, seminars often present the results of the studies mentioned earlier and are planned to gather the “right” people. They bring together the selected “specialists,” who will articulate and reinforce the funder’s beliefs, with “everyone that is important in this debate” (Interview, Lemann Foundation), or the policymakers and supporters needed to advance their agenda. In these spaces, discourses are shared, policy solutions are presented and public–private partnerships are created or maintained.

Regarding the relational aspect, promoting events reinforces weak relationships that are fundamental for the maintenance of a network of governance. These events provide opportunities for “talk and touch,” fostering trust in a policy network (Junemann, Ball and Santori, 2015). Representatives from the different institutions attend each other’s events, thus maintaining relationships and discourses. Except for Natura Institute, the other four analysed institutions have their own seminar series, which usually include an annual or biannual meeting that gathers representatives from government, new philanthropy, business and research. For example, Lemann Foundation organises an annual conference with Stanford, in which all Lemann Fellows (research students funded by Lemann Foundation) present the results of their studies to an audience with representatives from diverse organisations. Another example is the seminar organised by the Unibanco Institute in 2015, which gathered many representatives of the advocacy group “Mobilisation for the National Learning Standards” and the Ministry of Education in

a pivotal moment of debate about the creation of a standard learning standards in Brazil (Avelar, Nikita and Ball, 2018).

Networking: Building Coalitions and Working with the State

The three previous strategies could be understood as being somewhat employed by each foundation individually, defending its own policy ideas. However, the last practice shifts the perspective under which we understand how new philanthropy works around policy-making. Foundations work embedded in networks, with partnerships that may be limited to specific projects or constant institutional collaborations. Money, institutional resources, expertise and social capital are all shared through collaborative partnerships (Ball and Junemann, 2012).

Concerning advocacy, working with other foundations is profoundly beneficial, as Denis Mizne, the Executive Secretariat of Lemann Foundation, stated in a speech, “having a coalition with other institutions gives us greater impact.” TPE is an illustrative example of an advocacy coalition highly active in education policy-making in Brazil (Martins, 2016). TPE brings together corporate, philanthropic and state representatives and makes use of all the previously mentioned strategies: it produces research, counts with a powerful communications strategy, organises and participates in many events and assembles a vast network (Martins and Krawczyk, 2016).

However, networks do not concern only private–private relationships. Through networks new philanthropy participates actively in the public governance of education. Public–private partnerships (PPP) are a well-known format in which this participation in governance can take place (Robertson, Mundy and Verger, 2012). For example, the project “Devolutivas pedagógicas” (Pedagogical Feedback) is a platform created by the Ministry of Education to offer support to schools to interpret their results in large-scale exams. The platform, however, was created by two public organisations (MEC and INEP), together with two foundations (TPE and Unibanco Institute).

Besides PPPs, there are other spaces where new philanthropy participates in networks of governance, which are often more opaque and unaccountable to citizens (Santori, Ball and Junemann, 2015). The “Mobilisation for the National Learning Standards”

(MNLS) is an example. This group of people and organisations, that defines itself as an “advocacy movement,” is led by Lemann Foundation and is supported by 11 foundations (including all five foundations considered in this chapter) together with almost 100 people. With a co-affiliation network analysis of the individual members, one can see that more than half of MNLS’s supporters work as public servants in education, including in the Ministry of Education and the National Council of Education, the highest federal spaces of education policy. Thus, not only has this movement been providing different services to the Ministry of Education, such as producing reports for the government and conducting seminars for discussing the new curriculum, but more importantly, some of the MNLS’s members, who participate in its private meetings, are directly involved or responsible for the curriculum policy in the government. MNLS then assembles a new space for policy-making, in which philanthropy and state discusses education policy without a formal PPP or public instruments of accountability (see Avelar and Ball, 2017).

FINAL REMARKS: GOING BEYOND “ADVOCACY” AND PARTAKING IN HETERARCHICAL GOVERNANCE

Large new philanthropy organisations in Brazil increasingly claim their main purpose is to influence education policy. To understand this “advocacy” work, practices can be analysed to elucidate how foundations are operating. Here I focused on four practices – producing research, working with the press, promoting events and operating in networks – that show there has been intense work around policy-making by new philanthropy. These strategies are not necessarily new in policy-making. What may be regarded as a novelty is that private organisations are using such strategies to participate in policy-making in the field of education. This is taking place amid wider shifts from government to governance and the concomitant reworking of the state, the market and philanthropy, in which “philanthropies of various kinds are taking on the moral responsibilities of the state articulated within a complex global

architecture of economic and social relations” (Avelar and Ball, 2017: n.p.).

In this sense, out of the analysed strategies I highlight networks as a fundamental trait that allows us to see new philanthropy in a new perspective: not so much as “outsider advocates,” but more as “heterarchy members,” here understood as:

Heterarchy is an organisational form somewhere between hierarchy and network that draws upon diverse horizontal and vertical links that permit different elements of the policy process to cooperate (and/or compete). Heterarchies have many of the characteristics of “assemblages” of and for policy and governance, inasmuch as they contain heterogeneous elements placed in diverse relations to one another, in latent structures or as social morphology. (Ball and Junemann, 2012: 138)

New philanthropy efforts in participating in education policy-making now go beyond what is traditionally understood as “advocacy.” Often, their labour is not executed as an advocacy from “outside,” where one tries to influence policymakers “inside” public spaces of decision-making. Instead, the participation of new philanthropy in policy-making is better understood when conceived as collaboration with policymakers within heterarchies. In this sense, the first three practices analysed here (producing research, working with the press and promoting events) position new philanthropy as “policy entrepreneurs,” granting new philanthropy the status of “specialists” and enabling the creation and maintenance of invaluable relationships. Such practices, within the broader context of neoliberal shifts towards network governance, allow new philanthropy to operate not as a policy influencer, but indeed, as part of the policy-making process itself.

In spite of being non-profit, the work of new philanthropy in education policy furthers the blurring between public and private, and between non-profit and for-profit. Influential foundations are frequently funded by large companies and wealthy businessman, have partnerships with for-profit organisations and companies, and support GERM policies, often related to the privatisation of education services. Hence, new philanthropy can alarmingly support the development of a global education industry, which fosters “the idea of education for investment and profit making” (Verger,

Lubienski, and Steiner-Khamsi, 2016: 1) and may lead to democratic deficits in education.

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4. Private participation in the education of Syrian refugees: understanding the roles of businesses and foundations¹

Zeena Zakharia and Francine Menashy

INTRODUCTION

Of the 57 million children worldwide without access to education, over one third live in settings of conflict and fragility (UNESCO, 2015). The escalating crisis in Syria has contributed significantly to this out-of-school population, with well over half of 1.4 million Syrian refugee children and adolescents not in school (UNICEF, 2015). The international development community has moved to respond to this and other humanitarian crises, where education in emergencies has risen as a policy priority in the mandates of international organizations (Menashy and Dryden-Peterson, 2015). However, the share of total overseas development assistance to education has declined sharply in recent years, with funding persistently low in conflict-affected states (UNESCO, 2015, 2016). Within this context, private-sector engagement in education has become increasingly appealing to a growing portion of the international community. And private actors have responded in turn.

For instance, in January 2016, during the annual meeting of the World Economic Forum in Davos, members of the Global Business

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Coalition for Education (GBC-E) pledged \$75 million to support the education of Syrian refugees in Lebanon, Jordan, and Turkey (WEF, 2016). Concurrently, a US State Department Forum at Stanford University in California called on the private sector to address the crisis via education. Later, in May 2016, the World Humanitarian Summit echoed this call to action (WHS, 2016). In September that same year, at the US White House Summit on Refugees, President Barack Obama presented a challenge for “the US private sector to draw on its unique expertise, resources and entrepreneurial spirit to help refugees regain control over their lives and integrate into their new communities.” Education was the first of three “impact areas” Obama cited, and he detailed his aim to address this through a private sector response (White House, 2016). A range of high-profile businesses and corporate philanthropies were involved in these various initiatives, such as Goldman Sachs, Hewlett Packard, Google, LinkedIn, Microsoft, Pearson Education, Discovery Learning Alliance, IKEA Foundation, Bridge International Academies, and Rand. Numerous new private funding commitments and partnership arrangements have since been initiated to advance the cause of educating Syrian children. Such commitments are indicative of the growing role of private entities as both educational funders and providers in contexts of crisis.

Our research explores the complex interrelationship between conflict and private sector participation through a case study of the education of Syrian refugees. Although private engagement in this context is evidently expanding, the exact nature and scale of this involvement has been unclear. Conducted in mid-2016 to early-2017, our study sought to better understand: (a) which private entities are engaging in Syrian refugee education in Jordan, Lebanon, and Turkey; (b) the activities through which private companies and foundations support education; and (c) the rationales and motivations that drive their involvement. Our findings derive from a range of data sources, including a systematic Internet search to determine non-state actors participating in the sector; analyses of documents, webpages, and social media from private companies and foundations; and key informant interviews with private sector actors and those who partner with them, including businesses, foundations, United Nations agencies, civil society or nongovernmental organizations (CSOs/NGOs), and bilateral donor agencies. Preliminary findings were presented to international educational

practitioners in November 2016, with feedback contributing to our analyses and conclusions. Although we collected initial data on the full non-state sector, the analysis was restricted to private businesses and their corporate foundations. Thus, when we make reference to “private actors” or to the “private sector” in this chapter, we are referring to the activities of for-profit businesses, in particular their corporate social responsibility (CSR) programs, and their affiliated corporate foundations. CSR programs are generally funded through a corporation’s general operating budget, and operate as a branch of the company to implement projects in social sectors. Whereas, corporate foundations, also known as corporate philanthropies, are generally positioned as separate from their associated company. They may share the name of their associated company (e.g., MasterCard Foundation, Hewlett Foundation, Ikea Foundation) or its leadership (e.g., Bill and Melinda Gates Foundation). Although considered nonprofit entities, corporate foundations are established using the profits of corporate endeavors.

CONTEXTUALIZING THE ROLES OF BUSINESSES IN SITUATIONS OF FRAGILITY

On the surface, the participation of the private sector in refugee education appears commendable. It is a positive development that so many high-profile actors are voicing their concern for refugee education, resulting in greater visibility of the crisis. Furthermore, supporters of private engagement in education in contexts of crisis and fragility have strong rationales for their involvement; they cite low government capacities and a lack of public funds to adequately provide education and absorb refugee populations. The private sector, they argue, can ostensibly fill this gap.

Businesses cite the notion of “shared value” as an impetus. This involves “creating economic value in a way that also creates value for society by addressing its needs and challenges” (Porter and Kramer, 2011: 4). From this perspective, humanitarian and profit-based aims can be both compatible and desirable.

Critics, however, argue that the involvement of the private sector can weaken public systems of education. It also undermines a key component of education as a human right, which is the responsibility of the state. Furthermore, in contexts of fragility—which can

include settings of conflict or post-conflict, natural disaster, disease epidemic, or economic collapse—privatization can be seen as exploitation. Canadian journalist Naomi Klein coined the term “disaster capitalism” to refer to instances where catastrophic events are seen as an occasion to enact market-based, neoliberal reforms, or as she puts it: “the treatment of disasters as exciting market opportunities” (Klein, 2007: 6).

In education, disaster capitalism has been observed by critics in a range of contexts. In post-hurricane Katrina New Orleans, reformers overhauled the public education system to expand privately-run charter schools, citing the hurricane as a “silver lining” and an opportunity to reform a struggling public school system via market strategies (Saltman, 2007: 138). In Haiti, following the earthquake in 2010, an already highly privatized education system was supported by the Inter-American Development Bank, which partnered with the Haitian Ministry of Education to substantively subsidize existing private schools in order to strengthen the private sector (Verger, Fontdevila and Zancajo, 2016). Furthermore, in Liberia, a highly fragile context, enduring economic collapse, conflict, and most recently the Ebola outbreak, the public school system is on course to be outsourced to a for-profit company (Global Initiative for Economic, Social and Cultural Rights, 2016). In such cases, crisis hit, and actors saw an opportunity to enact policies and programs, which while addressing educational needs, concurrently promoted private-sector interests.

Of course, not all business actors exploit crises, but in the context of the Syrian refugee crisis, where we observed a very rapid rise in the involvement of corporate actors in education, we felt it necessary to look closer at their engagement.

RESEARCH CONTEXT

Statistics on access to education for Syrian refugees are staggering. Pre-war, 94 percent of Syrian children were enrolled in primary and lower secondary education. However, in August 2016, regional enrollment figures for Syrian refugee children in formal and non-formal education were estimated at 52 percent of registered school-age children (aged 5–17) in Jordan, Lebanon, Turkey, Iraq, and Egypt (UNHCR, 2016a). The gross enrollment ratios vary

greatly among host countries with, for example, an estimated 40 percent enrolled in Turkey, 55 percent in Lebanon, and 82 percent in Jordan (see Table 4.1) (UNHCR, 2016a). Regionally, it is estimated that 739,000 registered Syrian refugee school-age children and adolescents are not enrolled in any type of educational program (UNHCR, 2016a). These figures do not account for refugees who are not formally registered by UNHCR. Thus, they should be viewed as severe underestimations. Furthermore, those who are considered “enrolled” participate in a range of educational activities, in terms of quality and type, including accelerated learning programs, literacy and numeracy-focused programs, vocational and skill-based programs, activity-based programs, and psychosocial support programs.

The three countries in our sample—Jordan, Lebanon, and Turkey—face exceptional challenges in attempting to absorb large Syrian refugee school-aged populations (HRW, 2016; OSF, 2016; UNHCR, 2016b). The three countries have dramatically shifted their recent education policies in response to the surging number of refugees. This includes double-shift schools to accommodate Syrian children and opening temporary education centers. However in all three countries, public schools face overcrowding and in most cases they are not able to absorb all of the Syrian children and youth seeking enrollment. As a result, tensions have risen within many host communities around educational issues. In light of these challenges, the role of the private sector has become increasingly salient.

Table 4.1 Gross enrollment ratios of registered school-age Syrian refugees (aged 5–17) in formal and nonformal education by host country (August 2016)

Host country	Gross Enrollment Ratio	Number of Registered Syrian school-aged children
Jordan	82%	232,470
Lebanon	55%	379,299
Turkey	40%	845,365

Note: These figures do not account for refugees who are not formally registered by UNHCR. Thus, they should be considered underestimations.

Source: UNHCR (2016a).

NON-STATE PARTICIPATION IN THE EDUCATION OF SYRIAN REFUGEES

Based on the data collected in the second half of 2016 alone, we identified 144 total non-state organizations engaged in Syrian refugee education in Lebanon, Jordan, and Turkey. This figure accounts for various types of for-profit and nonprofit actors, including those that might be categorized as nonprofit, non-religiously affiliated NGOs or CSOs (e.g., Arche Nova/Germany, Concern Worldwide, PARCIC/Japan, Save the Children); religiously affiliated organizations (e.g., Al-Makassed Philanthropic Association, Catholic Relief Services, FinnChurch Aid); research institutes (e.g., American University of Beirut, Carnegie Endowment for International Peace); businesses (e.g., Cisco International, Hewlett Packard, McKinsey and Company, Pearson); and private foundations (e.g., Bill and Melinda Gates Foundation, Chobani/Tent Foundation, Ikea Foundation) (see Figure 4.1). Of this total, 32 percent were businesses and an additional 10 percent were foundations, many of which are very well-known, multinational companies and philanthropies. Of these, 77 percent were headquartered in the global North, in high-income countries, and 62 percent did not hold education as part of their mandate.

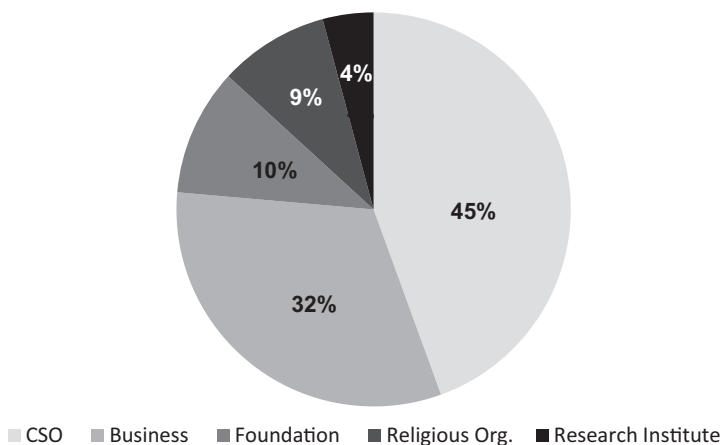


Figure 4.1 Non-state participation in the education of Syrian refugees

Private corporate actors, including businesses and their foundations, were engaged in a range of educational operations (see Figure 4.2), with many stating that they contributed to multiple aspects of education. The most common types of engagement were: (a) funding to the education sector, whereby 49 percent of the businesses and foundations we identified contributed funds to NGOs or UN agencies to do educational work; and (b) the development and distribution of technological education innovations, whereby another 49 percent also contributed to some aspect of educational technologies. Other common stated areas of engagement included professional development (33 percent), school construction (31 percent), and providing school supplies (31 percent). Only a few of the identified private actors were engaged in the areas of socio-emotional support (1 percent), early childhood education (3 percent), and extracurricular activities (5 percent).

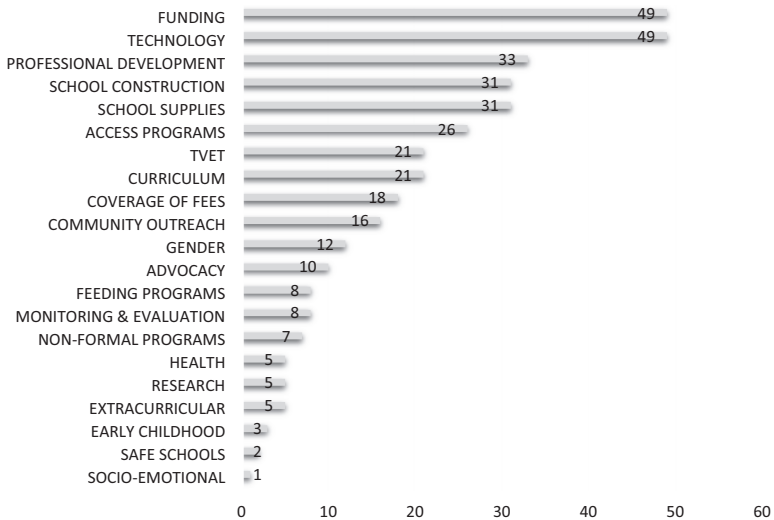


Figure 4.2 Types of educational engagement (% of businesses and foundations)

EMERGING ISSUES

In analyzing these data, along with our interviews, some major issues emerged as areas for concern. We group these into three sections pertaining to: (a) the mass proliferation of involvement, characterized by limited coordination of efforts; (b) the dominance of technological interventions; and (c) support for private schooling. We briefly introduce each of these issue areas below.

Mass Proliferation, Limited Coordination

The surge in private participation in the education of Syrian refugees is very recent, with most actors first engaging since 2015. This was described to us as a mass proliferation of private involvement: “From things like consulting companies, to small start-ups, to large multi-nationals, everyone seems to be involved” (Interview, Business, July 2016).

This rapid rise in involvement has been problematic according to several of our interview respondents, as there is a lack of coordination and knowledge-sharing between actors. This concern was captured by one NGO representative who stated: “It’s a little crazy to be honest ... In the Syria response there are so many people doing so many things and it’s not coordinated. Sometimes I really wonder if because of this lack of coordination, if this is actually doing a disservice to the sector” (Interview, NGO, July 2016).

Dominance of Technology

We also found that a dominant form of engagement is through education-related technology. We found a wide variety of technologies being introduced, such as: online digital learning platforms, online courses, tablet and handset distribution which includes online curriculum or educational games, the development of new operating systems, and portable WiFi hubs for use in schools. Some actors viewed technology as an excellent intervention because of the need for a “solution that can reach as many people as possible for the cost that is as low as possible, that involves as little teachers as possible. Because we do see that there’s a huge lack of teachers” (Interview, Foundation, September 2016).

However, many of our respondents were very critical of this over-emphasis on technology. They saw it as de-contextualized from the local context. One NGO actor captured these collective concerns in stating: “There’s a disconnect between what is technically and logistically appropriate and what looks good from a branding and marketing perspective ... I think there’s a lot of good intention, but a lack of awareness about what the practicalities of operating in these environments are” (Interview, NGO, July 2016). Furthermore, the overemphasis on technology is viewed as pedagogically problematic. As a representative from an NGO that supplies a technological service to refugees explained, technology can never replace a teacher (Interview, NGO, November 2016). In short, the disproportionate stress on technology may be problematic, in particular when viewed as a panacea to break down barriers to schooling for refugees.

Support for Private/Non-Formal Schooling

Many business actors work collaboratively with governments and ministries of education. However, others do not; they are bypassing the public sector and establishing privately-run schools, or what are often termed “non-formal” education environments. Separate from the public schooling system, these schools are financed via the private sector and often managed by local actors.

Business actors justify the support to privately-provided schooling, for instance saying:

You have a situation where the public sector could only absorb a fraction of those children ... Yes, the public sector wants to be in control, which is absolutely to be appreciated and respected. But it will take its natural course of expansion. And in that natural course of expansion, we need to give the kids an opportunity to pursue an accredited education outside of the public sector. (Interview, Business, July 2016)

This view that “we can’t wait for the public system to catch up” is critiqued by many actors working in the region, in particular where controversial providers bypass the state and plan for pilot schools going to scale. Given that there is an assumption that the public sector cannot absorb the refugee population, the Syrian refugee context appears to be fertile ground for the establishment of

business-supported private schooling. These include free and low fee-charging school models, for profit and not-for-profit, including charter-style arrangements with Ministries of Education. Although most initiatives are at early stages, these private school models are widely viewed as problematic, with critics arguing they foster a lack of accountability and often hire non-unionized and poorly-trained teachers. Furthermore, business-supported private schools are critiqued as having no exit strategy, potentially leaving students stranded when profits and other forms of returns no longer add up and schools close. We discuss some of these returns among the motives for private sector engagement in the following sections.

MOTIVATIONS

In addition to understanding the roles of businesses and foundations in the education of Syrian refugees, this study examined the stated motivations of private actors in getting engaged in this crisis. The following sections summarize some of the key humanitarian-oriented and profit-oriented motivations.

Humanitarian-Oriented Motives

We found that some business actors have very clear humanitarian-related motivations. Many corporate actors told us that seeing the images in the media of the scale of the crisis made them want to simply “do the right thing” (Interview, Business, July 2016), and help out. As one respondent stated: “I think there’s the obvious pulling at the heart strings of CEOs” (Interview, Business, June 2016). As well, some have personal connections to the crisis, with family or loved ones in the region.

Profit-Oriented Motives

We also found that many private actors have clear profit-oriented motivations for getting involved. As one representative from a business explained, “Companies want to be affiliated with good causes, or they see some sort of strategic alignment between what their brand means and what the cause is about” (Interview, Business, June 2016). The idea of “creating markets” for business

products is another salient motivation that emerged in a number of interviews. The Middle East is considered a big and largely untapped market for products: “In the Middle East there are a lot of diverse types of markets and this is also something that is in the interest of a private organization purview” (Interview, NGO, July 2016). As well, a context of crisis may be considered an apt setting to test new innovations: “When they’re innovating new things, sometimes an area in conflict might be the right environment to test out a product or service” (Interview, Business, June 2016). Employee engagement was also cited as a motivation for getting involved, because connecting to a good cause is considered good for employee productivity and morale.

According to representatives from organizations that partner with the private sector, including UN agencies and NGOs, these profit motivations are problematic. Respondents expressed resistance to, or skepticism about, partnering with private actors who hold profit motivations in the Syrian refugee crisis: “Some of the private technology companies that we engage with are working on profit models, and so there has been some skepticism around partnership and engagement” (Interview, UN agency, July 2016). In particular, respondents found the need to develop a “business case” for investing in the crisis troubling. Respondents explained: “It can be a lucrative opportunity for smart business people” (Interview, UN agency, 2016) and reminded us that businesses are “driven by making money. I think we have to accept that” (Interview, Business, 2016).

DISCUSSION

Our study found several corporate actors—both businesses and philanthropic foundations—making notable strides in supporting the education of Syrian refugees. Private sector contributions include awareness campaigns, teacher professional development, food programs in schools, gender equity programs, vocational training, classroom materials and supplies, and innovative technological interventions such as digital libraries and curricular supports. Many businesses are fiscally supporting local and international NGOs in carrying out these efforts. Given declines in aid to education, the need for non-traditional funding sources is urgent,

where contexts of humanitarian crisis have historically been underserved by established aid efforts.

Our research participants, however, described several interrelated areas for concern. Insufficient coordination amongst private actors participating in the sector is evident and agreed upon by many respondents to be a major weakness in endeavoring to support refugees, leading to disorganized efforts and duplication. Insufficient coordination with public-sector actors in some cases has also led to problematic engagement, skirting the host government's role in coordination mechanisms.

The absence of coordination is likely rooted in several factors. The combination of a humanitarian-driven impetus alongside a form of bandwagoning onto this issue, which is deemed timely and thus able to engender high visibility and elevate brand image, may have led to a rush in involvement without careful consideration of coordination with others, and also of context.

Furthermore, because businesses have in some cases entered this arena with longer-term profit-oriented aims, the form of intervention they introduce is often directly aligned with their company's goals—there must be a “business case” made for participation. In such cases, businesses are limited in what they contribute or promote; for instance some may defer to introducing technological interventions that can increase their brand recognition and help to widen a market for their products, but at the same time may be decontextualized from the needs of refugees. The overemphasis on technology engenders duplication of interventions and is potentially problematic from a pedagogical standpoint.

The public pronouncements made by particular actors touting the potential benefits of private schooling in conflict-affected contexts are also cause for concern, given that there is an accepted view that public sector schools in the region are unable to absorb the growing refugee populations. Support to schools provided outside the public sector could have wider implications for equity, quality, and a rights-based approach, which considers the government as the main duty-bearer for education.

A final concern rests on certain private actors' profit-oriented goals, sometimes framed alongside a claim to humanitarian goals. Yet profit-driven motivations, in our view, are in tension with humanitarian aims, where to profit fiscally from a humanitarian crisis is arguably exploitative. Some businesses have transparently

entered this fragile context in order to create markets, increase brand recognition, engender positive public relations, envisioning it as an environment to test out new innovations, increase employee satisfaction, and thereby increase profits. When a business case is made to support the education of refugee children, a crisis is framed as an “exciting market opportunity,” or what Klein (2007) would describe as disaster capitalism.

Although humanitarian-oriented motivations are clear in many cases of private participation in the education of Syrian refugees, certain businesses are focused mainly on the “bottom line” (Interview, NGO, July 2016; Interview, Business, June 2016). The very concept of “shared value,” where profit-maximization can concurrently address social challenges (Porter and Kramer, 2011), arguably holds inherent contradictions. Critics of shared-value beliefs and business participation in social causes have proposed that:

[c]orporations might tend to invest more resources in promoting the impression that complex problems have been transformed into win-win situations for all affected parties, while in reality problems of systemic injustice have not been solved and the poverty of marginalized stakeholders might even have increased because of the engagement of the corporation. (Crane et al., 2014: 137)

While this research shows that the private sector has a role to play in addressing the education of Syrian refugees, it also prompts educational actors to question the ethics of making a “business case” for involvement and “investing in the crisis” (Interview, Business, June 2016).

CONCLUSION

This study seeks to offer a nuanced understanding of a complex issue: the multifaceted roles of private actors and their involvement in education in contexts of humanitarian crisis—an arena that has historically been framed as a public sector responsibility. Our findings show that businesses and foundations have a potentially important role to play in supporting the education of Syrian refugees. In the context of diminishing development aid to education, in conjunction with the enormous obstacles facing refugees

and their already stretched host governments, the expertise and resources of the private sector are crucial.

However, our study also sheds light on areas for concern and limitations to the assumed capacity of the private sector to understand and work within rapidly evolving humanitarian contexts. To date, the private sector response has been characterized by insufficient coordination. Decontextualized interventions, in particular relating to educational technology, indicate a rush to involvement and limited understanding of context. This is particularly problematic where teachers and other local educational actors have not been consulted. Statements in the media by private actors have advocated for a push towards non-state schooling, which while presented as a way of alleviating the burden on public systems, can have implications for equity and quality. Private actors have taken on vocal, high-profile roles as policy actors and direct contributors to global humanitarian funding. According to one high-level UN official, “the UN ends up in an accommodating position” as agencies are pressured to work with the private sector, particularly those with celebrity status (personal communication, August 2017). Through this dynamic, the private sector is able to directly influence policy, spurring questions concerning a genuine commitment to provide unrestricted funds and the accountability of unelected corporate policy-makers.

As several respondents made clear, it is critical to understand the motivations of private actors in fragile contexts: while some have articulated humanitarian aims, others view support to education in settings of conflict and fragility through a bottom-line lens, where solidifying a market hold, increasing visibility and brand loyalty are central motivations, alongside those that are humanitarian-oriented. Thus, our research brings to light ethical tensions between humanitarian and profit motivations.

However, given the scale of the Syrian refugee crisis, our study also suggests that a reliance solely on traditional public-sector engagement in education is limiting and unrealistic. By exposing particular concerns, our study spurs the global education community to ask how to harness the expertise and funds of the private sector in a coordinated and ethical way that is mindful of the state’s responsibility to be the primary duty-bearer to provide and regulate

quality education. This is particularly urgent in establishing a foundation for longer-term systemic change in the service of all children.

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5. Allies and competitors: private schools and the state in China¹

Barbara Schulte

INTRODUCTION

The Chinese education system is usually not associated with private schools. In China's recent history since the communist take-over in 1949, schools have not witnessed any larger privatization waves, despite the fact that the Chinese economy went through an extensive liberalization and privatization in the 1980s and 1990s. On the contrary, the most attractive schools (and universities) are overwhelmingly in public hands. This public stronghold in education signals both the power of the state over allotting life chances, and the state's willingness to retain sovereignty over the main instruments of nation–state socialization.

However, contrary to what one might expect from an at least nominally socialist state, private schools have never been completely erased from the educational landscape. In the 1950s and 1960s, so-called 'schools run by the people', *minban* schools, were established – the common term to refer to private schools even today. This was done in order to complement the at the time insufficient state system, particularly in the more remote, rural regions. These schools were joined, in the 1980s, by private schools that catered to a new clientele in the cities: largely migrant families from the countryside who lacked a local residence permit to be allowed into public schools.² Often, these schools teach also more

¹ This work was generously supported by the The Swedish Foundation for Humanities and Social Sciences under Grant P11-0390:1.

² China has a strict internal migration policy, which makes it difficult for migrants in bigger cities to obtain a local residence permit (*hukou*). Local residency

specific, vocational skills, particularly beyond the nine years of compulsory education (cf. Kwong, 1997).

Thus, at the same time as the rural *minban* schools were to be gradually phased out to be replaced by accredited public schools, rural–urban migration caused a new type of privately run school to appear: urban schools for migrant children. This development was smoothed by a generally more favourable policy towards private businesses after the so-called ‘Southern Tour’ in 1992, on which former leader Deng Xiaoping stressed the importance of economic reform. Particularly from the second half of the 1990s onwards, yet another type of private schools has begun to emerge: schools that niche themselves with specific profiles, targeting families with demands that the public system is unable to satisfy, and charging at times considerable fees.

The terms ‘private school’, or ‘people-run school’, as used in the Chinese context hence denote a wide variety of schools, reaching from schools for poor rural children to those for migrant children with external residency, to schools for children from the middle and upper classes seeking an education beyond the ordinary. This chapter will provide an overview of these schools, as well as look at private school entrepreneurs and the clientele served by these schools.³ The conclusion discusses to what extent private schools can be considered allies or competitors of the state education system.

The chapter is based on fieldwork conducted in the cities of Beijing and Kunming, and in the province of Zhejiang, between 2010 and 2015. Data were collected in participant observation at 17 private schools, and 62 semi-structured interviews with school founders, school principals, and teachers at private schools, as well as with local stakeholders in the private education business and

is connected to a whole range of social welfare services, including education. Children of any residency are entitled by law to attend their local school, even without a permit. However, in practice children still experience formal and informal exclusion: prohibitive fees, complex paperwork, mobbing and ostracism, etc.: on *hukou* and education in China, see e.g., Liu, Holmes, and Albright (2015); Zhang and Luo (2015); Zhou and Wang (2016).

³ For a more extensive overview, see Schulte (2017).

representatives of the Chinese Association for Non-Government Education.⁴

PRIVATE RESPONSES TO UNEVEN DEVELOPMENT AND DIVERSIFICATION IN EDUCATION

In 1986, China passed its Compulsory Education Law, basically guaranteeing nine years (in some regions provisionally eight years) of schooling to the entire school-age population. Private schools were not part of the state's scheme of education for all but emerged nonetheless when the state was unable, or unwilling, to provide nationwide education. Due to economic liberalization and increased rural–urban migration, private schools of often semi-legal character began to appear. Additionally, the tutoring market gained momentum, producing a growing number of cram schools (cf. Zhang and Bray, 2016). Both genuine private schools and institutions offering extracurricular classes or other types of training were frequently accompanied by reports and rumors regarding embezzlement of funds and fees, poor teacher qualifications, fraud concerning school diploma, dilapidated buildings, and so on. In 1997, the Regulation on the Running of Educational Institutions with Social Resources (State Council, 1997) was passed to bring order into the private educational sector, but many of the problems persisted. In 2003, the Law for Promoting Private Education (NPC, 2002) took a different approach by at least rhetorically welcoming the establishment of private schools in order to complement, and alleviate, the educational burden of the state. Regional governments were now allowed to provide subsidies to private schools, in the form of reduced rent for land, reducing taxes, or remunerating school entrepreneurs.

This regulation led to a number of (probably unintended) consequences. First, the private school market developed increasingly unevenly. Since subsidization is up to the local government, private

⁴ The Chinese Association for Non-Government Education (*Zhongguo Minban Jiaoyu Xiehui*) is a nationwide research and lobby network for private education, with regional offices in each province.

school entrepreneurs face considerable differences when establishing schools. While in some regions the private school business is thriving, in other areas private school entrepreneurs are marginalized or even harassed. As has been shown for the cities of Beijing and Xiamen, for example, the willingness to accept private migrant schools as part of the local school system can differ greatly from city to city: while Beijing has mostly followed a policy of denying accreditation, Xiamen facilitated these schools' integration if they fulfilled certain quality criteria (Wang, 2008). Given the insufficient state provision particularly for migrant children, a hostile attitude towards educational entrepreneurs can lead to children being completely excluded from schooling; conversely, an overly friendly embrace of private schools can also result in an illegitimate outsourcing of state responsibility to the private sector. In the latter case, the state has clearly failed to execute its mandate to provide education for all.

Second, the leeway given to local governments has been a source of corruption, or at least has led to an insufficiently motivated distribution of funds and subsidies. As the author's fieldwork in Zhejiang Province has shown, even within one and the same school district, private schools profit very differently from subsidies, even if these subsidies are granted by local regulations. Those schools that are advantaged in terms of subsidies or preferential tax policies often tend to be in the hands of school leaders who have friendly ties with the local government. A number of private school entrepreneurs had previously worked in the public administration, so they are in a much more favourable position to mobilize their previous connections for facilitating their businesses, compared to competitors with no government ties.

Third, the details of profit-generation are only insufficiently regulated in the law. Legally, private school entrepreneurs are entitled to a so-called 'reasonable return' of investment. However, how to define and calculate what is 'reasonable' is left to local negotiations and friendship ties, or other forms of social capital. Again, this has led to a differential treatment of entrepreneurs. Some are much more successful in diverting money into their own pockets, mostly at the expense of the fee-paying families.

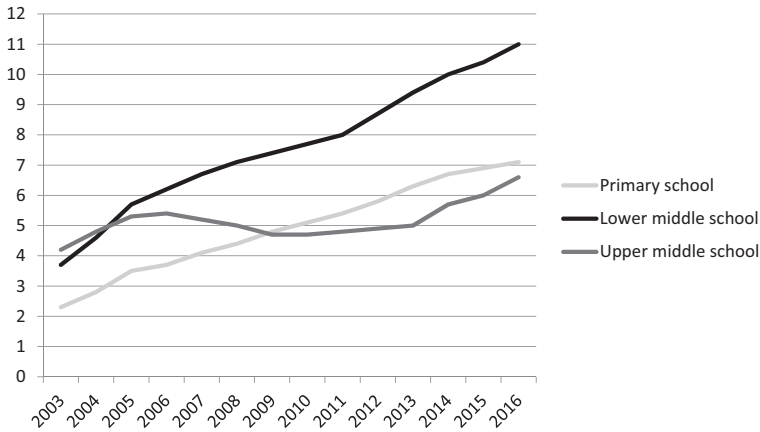
Private schools in China constitute a minority, but their numbers have been growing steadily. In contrast, the numbers of public schools have been decreasing, mainly due to shrinking age cohorts

because of the one-child policy. Consequently, the share of students attending a private school has increased considerably between 2003 and 2016 (Figure 5.1). Today, 7.1 per cent of students are enrolled at a private school at the primary level; for the lower and upper secondary levels, these shares are 11 per cent and 6.6 per cent, respectively.⁵ The decrease of private school students at the upper secondary level is probably due to the fact that upon completion of grade nine, most students with external residency have to move back to their places of origin in order to prepare for the university entrance examination (UEE). Although a number of provinces have relaxed their UEE policies, now also allowing external students to participate, the practice of migrating back to their home provinces is still widespread among migrant students (Ling, 2017).

The presence of private institutions is considerably larger in preschool and higher education: 35.6 per cent of kindergarten children attend private institutions, and 14.6 per cent of students in higher education have chosen a private university or college. This is mainly due to the fact that preschool and higher education have expanded massively over the past decades, at the same time as the provision of mass education at these two levels is not considered a part of the state's educational mandate. Additionally, the decreased number of state-owned enterprises, which used to run their own kindergartens, and the increasing hunger for tertiary degrees in order to adequately compete in the job market have boosted private entrepreneurship at these levels.

These numbers, however, say nothing about what type of private school is represented to what extent in the statistics. There is no further specification as to the schools' fees and revenues, or their locations and clientele. Moreover, we can assume that a number of migrant schools have not been accredited, or have lost their accreditation, and thus do not appear in the statistics at all, even when they continue to enroll children. In a sense, the diversity of Chinese private schools points to the fact that China is both a developing and developed country at the same time. While, for example, high-fee schools resemble Western elite private schools, the low-fee schools are more similar to the situation in some South

⁵ In absolute numbers, there are 5,975 private primary schools (compared to 177,600 public institutions), 5,085 private lower secondary schools (public: 52,100), and 2,787 private upper secondary schools (public: 24,700).



Source: Annual Statistical Reports of the Ministry of Education of the People's Republic of China.

Figure 5.1 Percentage of students enrolled at private schools between 2003 and 2016

Asian or African regions, where the insufficiency of state-funding has caused families to invest in low-fee private alternatives (see e.g., the overview in Macpherson, Robertson and Walford, 2014). Within the medium-fee sector, private schools can be further divided into subtypes, so that we can overall speak of five different types of private schools in China:

1. Low-fee schools that primarily enroll children from migrant families who do not have local residency. These schools are frequently run by migrants themselves, and often assemble children whose families originate from the same area. They are usually badly equipped both in terms of physical and financial resources and in terms of qualified teachers. They are also among the most vulnerable types of schools, often facing the risk of being closed down by the local authorities. As mentioned above, some city governments have developed more welcoming policies towards these schools, as they have realized that these schools could be utilized at least temporarily to manage the large influx of migrant children.

2. Medium-fee schools attached to public schools. These private 'siblings' to public schools are examples of the occasionally blurred boundaries between public and private institutions. They were established when there was more demand for places than the respective public school could supply, and they usually retain the name of the public school in their names. These fee-charging siblings thus profit from the public school's name and good reputation. Even though public and private siblings are supposed to operate economically independently from each other, this regulation is not always followed.
3. Medium-fee schools run by individuals. Even these schools serve proportionally many families with external residency but usually attract with a specific school profile (e.g., pedagogical mission, artistic profile, or focus on particular subjects). Having gained accreditation from the local government, they are often chosen by families as the better alternative to the local public school, particularly in run-down areas. Thus, even though these schools may not be able to compete with prestigious public schools, families with no access to high-quality public schools prioritize these private schools over the available public option.
4. Medium-fee schools run by corporations. There are essentially two types of corporations running private schools in China: educational corporations are usually the outgrowth of the preceding type, individual entrepreneurial engagement. Entrepreneurs who are successful with their first school do usually not expand that school but register a corporation to establish more schools, often at different levels. Many successful private primary schools, for example, recruit from kindergartens run by the same corporation. The second type of corporations are real-estate companies in charge of gated communities. These companies are required by law to provide compulsory education. The fees charged for school enrolment are comparatively low but are conditioned on buying a (high-priced) apartment on the compound. The better these schools are, the more can be charged for the apartments. In the cases visited during the fieldwork, square metre prices could be raised by tenfold within a few years, which was

attributed mainly to the efforts invested in high-quality education. Thus, profit is generated not directly from running private schools, but indirectly by tying school enrolment to real-estate purchase.⁶

5. High-fee schools, often with an international profile, and frequently run as Chinese–foreign joint ventures. These schools can be considered elite schools and charge substantial fees. They serve families from the upper class as well as expatriate families, and mostly do not even offer a Chinese degree. Usually, students are prepared for studying overseas upon graduation.

SCHOOL ENTREPRENEURS AND EDUCATIONAL CLIENTELE

Private education may be simply regarded as a business: the opportunity to extract profit from education. However, this common-sense understanding needs to be nuanced in a context where, first, the state does not provide education for all (in spite of a law to do so); and second, the quality of education varies considerably, excluding the large majority from high-quality public education. As Carnoy (2006) has illustrated with the examples of Chilean privatization and the Black Panther School in Oakland, private actors in education can have very different motives and effects: they may constitute the extension of a government policy to commodify, stratify and eventually de-solidarize a society; but they may also represent grassroots initiatives that seek educational empowerment *vis-à-vis* an oppressive state. Chinese educational entrepreneurs do not clearly belong to one or the other category; depending on the school, entrepreneurs can be either seen as coopted by the state, or as challenging state education (to a moderate extent). In their self-perception, school founders overwhelmingly perceive themselves as moral entrepreneurs who serve

⁶ Interestingly, this presents a case where the common logic is turned around. While usually high-quality living areas have the better schools as a side-effect of economic, cultural, and social capital accumulation (see e.g., Fack and Grenet, 2010), in the Chinese case of gated communities, good schools are used as a selling point for (otherwise less attractive) apartments.

the society rather than exploit it. This philanthropy is based on the following arguments:

1. More choice. Entrepreneurs argue that private schools enlarge the educational options even for families with limited economic, cultural, social, political, or geographic capital. Families thus become empowered to script their own life trajectories and plan their careers without being constrained by lower-quality, state-provided options.
2. Taking care of the less privileged. Both migrant children – even those coming from affluent families but with external residency – and children with learning difficulties are not sufficiently taken care of within the state system. Private entrepreneurs see themselves as assuming responsibility for these marginalized groups.
3. Unburdening the state. Private entrepreneurs claim that without private entrepreneurialism, and the resources it is capable of mobilizing, the state would have to carry a much higher burden for education. Private school entrepreneurs thus depict themselves as unburdening and complementing the public system.
4. Moralizing education. School entrepreneurs like to claim that public education mainly aims to ‘cram’ students with exam-oriented knowledge. In contrast, private schools are represented as providing a more student-centred, holistically oriented, and morally enriched education.
5. Adding transparency. Private school entrepreneurs frequently describe their businesses as more transparent, rational, and quality-oriented compared to their public counterparts. They see the reason for this difference in the healthiness of market dynamics: wasteful or inefficient school governance eventually leads to closing down a private school.
6. Making knowledge useful. Since private school entrepreneurs need to take into consideration the career prospects of the school’s graduates, they claim that the knowledge taught at their schools is more applicable and welcomed in the labour market. They additionally collaborate with local companies in order to facilitate their graduates’ entry into the job market.

Families, on the other hand, have various, sometimes overlapping motives to opt for a private school. Among them, the following are the most pronounced:

1. Getting (better) access. As mentioned, migrant children are often excluded from attending local public schools. Alternatively, they can be directed to a low-quality public school, or lower-quality classes within the local public school. Choosing a private school can thus mean simply obtaining access, or additionally getting access to a better-quality education. At times, also ostracism against migrant children at public schools pushes families to opt for private alternatives.
2. Schooling for the second child. Until recently, China has practiced a one-child policy, making it extremely difficult for a family to enroll their second (or third) child at a public school. Private schools have therefore been the natural choice for families with more than one child. Many private schools have a substantial number of siblings in their student population, while siblings are rare phenomena at public schools. Recent relaxations of the one-child policy may make this motive obsolete.
3. Alternative to cram schools. Even though Chinese examinations went through some reforms, they still require extensive rote learning. Usually, parents enroll their children at private tutoring schools to drill them for examinations. Full-time private schools often offer tutoring services on campus, where the teachers from the morning classes tutor their students in the afternoons. Children at private schools do therefore no longer need to additionally enroll at cram schools but can get their education (and cramming) all from one school.
4. Going global. International schools offer the convenience of escaping the drill for Chinese examinations. Perhaps due to their high fees and ‘softer’ curriculum, they are also among those schools that have received most criticism from the public, who have accused these high-fee schools of being ‘schools for the nobility’ (Yan, 2016). In common parlance, the international track is called the ‘international exit’ solution. Such a solution however means that these schools’ graduates will not be able to study at Chinese universities.

5. The gated-community school as a one-stop shop. Living in a gated community and enrolling one's child in the community's school kills several birds with one stone. Private gated communities provide access irrespective of administrative residence status, accept families with more than one child, and offer both tutoring classes and other activities in the afternoon. Many communities also offer an international track, thus combining all of the previous aspects in one solution. Besides, parents no longer need to chauffeur their children, as their children can basically stay within the compound all day long.
6. Looking for care. Public schools usually see themselves as serving the mainstream. They have only insufficient resources and little understanding for students who are in greater need of care and attention. A number of private schools have found a niche catering to students with diverse educational and psychological needs. These schools do usually not graduate the academically most outstanding students, but they provide these students with a general degree, which spares the families from the public shame that the certificate from a special school would entail.
7. Avoiding vocational school. Vocational schools have a substantially lower reputation than general schools; however, at the upper secondary level they constitute half of all schools. Choosing a private school can therefore help families avoid a school whose diploma is only little valued in the job market. Even though the respective private school may have a lower reputation than the local public school, its leaving certificate still signals the quality of a generally oriented, rather than a vocational, education.

As these various motives illustrate, to opt for a private school is neither always a desperate action to gain access to schooling at all; nor necessarily a luxury act of purchasing an elite education. Most private alternatives in urban China are situated in between: chosen by families with some resources, who nonetheless do not enjoy the same privileges as those with high amounts of political, social, and geographic capital (see also Young, 2017).

CONCLUSION: COOPTATION OR COMPETITION?

In general, private education has never received much sympathy from the central Chinese government. The rather vague regulation and continuing reluctance in many areas to allow for, and accredit, private schools indicate that there is little appetite to permitting any large-scale, long-term privatization in education. From the state's perspective, private education serves two purposes. First, it can be used as a temporary solution for the poorer regions and strata, as long as state provision is insufficient. Second, private education may, again at least temporarily, pacify those groups in society who would otherwise feel marginalized or deprived. Particularly families with considerable financial resources but lacking local residency can thus be coopted into the system – even more so as these families are used to relying on their private economic resources for purchasing lifestyles of their own choice.

A recent change in the political attitude towards private education seems to indicate that the limits of state–society cooptation have been reached. In October 2016, the People's National Congress passed an amendment to the Law for Promoting Private Education. From 2017 onwards, private schools are no longer allowed to operate within compulsory education if they are for-profit (NPC, 2016). This has raised concerns that migrant families will be left without any educational options, unless the state intervenes, and invests, more drastically than is the case at present. Does this change in policy mean that the alliance of state and private actors to make education more inclusive, or more diverse, has been dissolved?

At first glance, this recent move can be interpreted as the state's comeback: a clear signal that the state is no longer willing to leave the mission of a nationwide, all-encompassing education to private actors. Such a move coincides also with more general official announcements to make education more equal, and provide high-quality education for all. However, the new amendment only bans for-profit private schools from compulsory education; non-profit, or philanthropic, actors are still allowed. One reason for this could be some sort of moral motivation: making it clear to the population that generating profit from something that is to serve the public good is no longer acceptable. Given the widespread perception in

public opinion that high-fee schools are institutions rife with greed and embezzlement of school funds, such a moral motivation is not improbable. Again, a moral-ideological re-orientation is also palpable in more general political statements issued by present leader Xi Jinping, and forbidding for-profit schools may be one consequence from this moralization of politics.

However, if one looks at what kind of schools operate with profit, another interpretation becomes even more convincing. Schools for the poor naturally have no particularly large profit margins. It is the schools for the middle class and above that are the most lucrative businesses. As has been pointed out in the introduction, the best schools are usually public schools. This view has also been reiterated in the literature: Chinese researchers find students of private schools consistently performing lower than their public school peers (e.g., Liu, 2011). The PISA data for Shanghai, however, cannot confirm these findings: student performance at private schools is found to be higher than at public schools. Only when the economic, cultural, and social status of schools and students are taken into consideration, public schools outperform their private peers; that is, public schools succeed better in spurring the performance of lower-status students (OECD, 2013: 56). The most recent PISA data, which besides Shanghai include data for Beijing and the provinces of Jiangsu and Guangdong, also find a slight performance advantage for private school students, when not accounting for status (OECD, 2016: 125 and 143). This means that in wealthy regions like Shanghai, Beijing, Jiangsu, and Guangdong, entrepreneurs have been able to establish private schools that attract a clientele with high economic, cultural, and social status – schools that can actually compare favourably with their public competitors.

No definite conclusions can be drawn from these data; however, the PISA data, as well as the difference between the PISA findings and those reached by Chinese researchers on private schools nationwide, suggest that it is above all the affluent regions where private school students outperform their public school peers. That is, while private schools in poorer regions serve as lower-quality complements to an insufficiently provided state education, private schools in wealthier regions may have begun to constitute better alternatives to state education. This assumption is further supported by media reports that note a performance advantage of private schools in richer provinces like Zhejiang. According to these

reports, parents are increasingly concerned about the government's reform 'craze' and worry that this may be disadvantageous for their offspring's education and exam performance. Lest their children become 'experimental objects of public reform' (HZJS, 2015), these parents increasingly opt for private schools, who are less prone to truthfully following educational reforms.

There is reason to assume that this voluntary resort to private schooling has raised the government's suspicions. Previously, private education was at best considered a second choice, with the public school defining what good-quality education was. Now that some private schools are emerging as serious competitors, this power imbalance risks changing in favour of private actors. Additionally, a second, better-quality track has potentially disintegrative power: middle- and upper-class families might decide to simply turn their backs on state schools, with implications for the state's leverage to reach and influence these families. If private schools for affluent families are as reform-resistant as is maintained in the above-cited report, Chinese education may even end up with two different systems: a state-provided, reformed system; and a private system based on conventional pedagogy. Both the previous policies of treating private education as a temporary phenomenon which is to complement the state system, and the recent policy change suggest that the Chinese state is not willing to allow for such a disintegration and bifurcation in schooling.

As has been noted above, recent Chinese policy changes, in education and beyond, have been characterized by an increasing re-ideologization, prompting scholars to speak of a 'return of ideology' (Yang, 2014), and to compare the present administration under Xi Jinping to that of Mao Zedong. In education, this has resulted in attempts to re-centralize teaching content (e.g., by re-centralizing the textbook market), and make education more equal – both in terms of guaranteeing more equal access to education, and reducing various differences and divides among students and schools. It is debatable how noble Xi Jinping's motives for expanding public welfare are (Solinger, 2017); nonetheless, the emphasis on a fatherly, caring government is a legitimating pillar for the present regime. To outsource parts of the public welfare to private actors may cause this pillar to wobble; if these private actors even turn out to be more efficient than the government actors, the pillar may collapse altogether. A fair competition between private

and public actors is therefore not in the Chinese government's interest. Even more importantly, the increasing emphasis on ideological unity is incompatible with a situation in which families can buy themselves out of the system. Various tensions and plights will continue to exist, pressing parents to reach out for private alternatives. Although some pressures have diminished, such as the one arising from having a second child, others may intensify: increasing competition in the job market, for example, will push graduates to seek distinction through a particular diploma, and the strict household policy will continue to create first and second class citizens. However, as Solinger (2017: 57) concludes regarding the limited effectiveness of anti-poverty programmes in China, the state is prepared to ignore these plights at least to a certain extent, by communicating that these people's 'cause has been downgraded in the interest of other goals'. Thus, allowing for private schools as an alleviating measure may be abolished for the sake of national and ideological unity.

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6. Unfair competition: exploring state-funded low-fee private schools' logics of action in Buenos Aires

Mauro C. Moschetti

INTRODUCTION

The premise that the private sector can provide quality education and increase educational opportunities for disadvantaged groups has been increasingly promoted, especially with the rise of different forms of public–private partnerships (PPPs), such as those involving charter schools, vouchers, and supply-side subsidies for private schools (Robertson et al., 2012). However, empirical evaluation of educational PPPs is still scarce, markedly inconclusive, and often focused on the overall measurement of school segregation and learning outcomes.¹ Moreover, research has been mostly dominated by quantitative approaches and focused especially on charter and demand-side financing schemes – considered generically – thus leaving relevant underlying social and contextual mechanisms unspecified that would otherwise help interpret contradictory results in different contexts (Heyneman and Lee, 2016; Verger and Zancajo, 2015).

In comparison, fewer studies have explored how schools actually operate under different *specific* PPP schemes in socially embedded, unevenly regulated education environments (for exceptions see Jabbar, 2015; Jennings, 2010; Van Zanten, 2009; Verger, Bonal and

¹ For an updated review on PPPs in the global South see Languille (2016); for a review of empirical research on market policies in education see Waslander, Pater and Van Der Weide (2010).

Zancajo, 2016). In particular, PPPs involving supply-side subsidies for private schools – that is, funding that goes to the suppliers without a *direct* link to enrollment – have remained largely under-explored, despite their historical presence and growing expansion both in developed and developing countries.

Focusing on the case of the City of Buenos Aires, Argentina, this chapter explores whether state-funded low-fee private primary schools (S-LFPSs) supplement – as intended by the policy framework – or rather compete with tuition-free state schools in some of the poorest neighbourhoods of the city. In particular, we explore how S-LFPSs' principals and staff perceive and depict the role they play as 'public' education² providers in their local educational spaces, and attempt to identify and contrast some of the most frequent logics of action they deploy to attract enrollment with those perceived roles. In doing so, we address the equity implications of these dynamics – whether they increase educational opportunities for students in economically disadvantaged areas or not – and problematize some aspects of the normative framework established by the subsidy policy vis-à-vis its policy goals highlighting its gaps, ambiguities, and enforcement shortcomings.

SUPPLY-SIDE SUBSIDIES FOR PRIVATE SCHOOLS AND THE CASE OF THE CITY OF BUENOS AIRES

The granting of supply-side subsidies for private schools is one of the least-researched forms of PPPs. While many countries have historically resorted to this modality – a 'historical form of PPP in education' (Verger, Fontdevila and Zancajo, 2016), more recently their dissemination has been on the rise in both developing countries – with the fundamental aim of expanding access to schooling for low-income students in a cost-efficient manner (Heyneman and Stern, 2014), and in developed countries – especially to increase

² The 2006 National Education Law (No. 26.206) and its 1993 predecessor (Federal Education Law No. 24.195) refer to all types of schools as 'public'. So, private schools, be that subsidized or independent, are named 'privately-managed public schools', and accordingly, governments schools are referred to as 'state-managed public schools'. Some argue that this 'language game' has had important consequences for legitimating the allocation of state subsidies for private schools (Feldfeber and Gluz, 2011; Gamallo, 2015; Vior and Rodríguez, 2012).

school choice options (Bosetti, 2004; Vandenberghe, 1999; Villarroya, 2002).

Schematically, proponents of supply-side subsidies suggest that governments can provide funding for private schools to expand and/or diversify overall supply of education services – ideally by supplementing government provision (LaRocque, 2008; Montoya and Frugoni, 2016). Many advocates of market mechanisms in education see supply-side subsidy schemes as second best forms of PPPs (interestingly for the same reasons that some education policymakers, especially those in the centre-left, find these schemes somehow appealing). This is mainly because, unlike in other PPP arrangements, supply-side subsidies are not allocated on a direct per capita basis, but depending on a series of predefined eligibility criteria regarding private schools' characteristics (e.g., location and proximity to government schools, for-profit/not-for profit status, socio-economic context, and so on), and only indirectly in relation to enrollment (Patrinos, Barrera Osorio and Guáqueta, 2009). Private subsidized schools are thereby supposed to supplement government schools' limited capacity, whilst promoting *a less intense form* of competition thus minimizing unwanted segregation effects stemming from typical education market dynamics (Verger et al., 2017; Waslander, Pater and Van Der Weide, 2010). In short, while supply-side subsidies for private schools may respond to heterogeneous policy designs and objectives, the emphasis is usually placed on (1) expanding choice, (2) expanding or diversifying supply, or (3) supplementing insufficient state supply, rather than on promoting competition (Patrinos, Barrera Osorio and Guáqueta, 2009).

However, many of the assumptions and conditions that would ensure the proper functioning of these policies in theory may not be fulfilled or be absent in real life educational environments. In particular, school choice processes are often mediated by a series of structural constraints that are not addressed in the design of these policies (Ben-Porath, 2009; McGinn and Ben-Porath, 2014; Rich and Jennings, 2015). Consequently, eliminating or lowering private school fees by means of subsidies may not automatically imply that low-income families gain access. On the supply side, the existence of a subsidy policy may not be incentive enough to guarantee the expansion of private providers needed to make up for government under-provision. Furthermore, as with other PPP modalities,

supply-side subsidy policies require strong state capabilities to ensure that private providers comply with existing education legislation and do not engage in opportunistic behaviour (Gauri and Vawda, 2004; Jennings, 2010; Linder and Rosenau, 2000; Lubien-ski, 2003). Also, in comparison with demand-side funding schemes, supply-side subsidies may pose an extra challenge for states in terms of accountability because of the diverse, complex and often ambiguous nature of the eligibility criteria and requirements regarding potential providers that need to be audited to decide upon subsidy allocation. In this regard, in developing countries, the lack of resources and state management capabilities may also lead to discretionary decisions being made by government officials (Mez-zadra and Rivas, 2010). Finally, using supply-side subsidies instead of direct per capita funding schemes may not be enough to avoid de facto competitive practices among schools. This is especially the case in relation to ‘second-order competition’ practices whereby schools compete to recruit not just any type of student, but rather those who are more academically able or have a good attitude towards learning, discipline and so on (Gewirtz, Ball and Bowe, 1995; Lubienski, 2003; Van Zanten, 2009).

The existence of an extended policy of supply-side subsidies for private schools that dates back several decades makes the City of Buenos Aires a relevant case to analyze the functioning of this modality of provision operating in a real context. Currently more than 50 per cent of children attend private schools, of which 80 per cent attend state-subsidized private schools, and 20 per cent independent elite schools (DGE GP-CABA, 2016, DiNIECE, 2016). The subsidy policy dates back to 1947. However, it was not until the beginning of the 1990s that it acquired its current shape and – arguably paradoxical – purposes, that is, ‘to guarantee the right to learn and, consequently, to choose school, in exercise of the freedom of education’, and ‘to ensure equal opportunities for all inhabitants to access education’ (Decree No. 2542/91).³ The policy allows private schools to apply for different amounts of subsidies to

³ Something similar can be observed, for instance, in the Spanish constitution where the right to education and the freedom of instruction principles appear simultaneously and somewhat linked to each other (Verger, Fontdevila and Zancajo, 2016).

pay for teachers and principals' salaries in some proportion (currently from 40 per cent to 100 per cent). Subsidies do not compensate for real estate investment, extracurricular teacher salaries, maintenance and so on, and schools are therefore allowed to charge extra – although limited – fees to meet these expenses. The normative framework is not particularly exhaustive in determining and operationalizing the criteria that define subsidy allocation, and vaguely refers to 'the socio-economic profile of the school', 'the style of teaching', 'the need for the school in its influence area' and its 'financial performance', without establishing clear eligibility indicators and metrics. Not surprisingly, some studies have argued that there is probably too much room for discretion in the process (Mezzadra and Rivas, 2010; Sigal et al., 2011).

Subsidies have enabled the emergence and consolidation of many different kinds of private schools, generally depending on the amount of subsidy they receive (and the corresponding fees they charge families). This research focuses specifically on the group of schools I pragmatically named 'state-funded low-fee private schools' (S-LFPS), that is, private schools (both for profit and not-for-profit, religious and non-religious) that receive full or almost full subsidies (between 80 per cent and 100 per cent) to pay for teachers and principals' salaries, and that are entitled to charge very low fees to families.⁴ S-LFPSs are located most frequently in the poorest neighbourhoods of the city – often facing a shortage of government schools (Martínez, 2012; Musa, 2013). As stated in an interview by an education ministry official: 'these schools give us a helping hand where we have excess demand issues, which in our case happens especially in the southern part of the city.' Interestingly, during the last decade, these schools have played a key role in explaining a strong trend towards privatization in the primary level among middle-low and low-income families (Gamallo, 2011; Judzik and Moschetti, 2016). Surprisingly, despite such trend, no

⁴ While there are many differences between these schools and what the literature usually portrays as LFPSs (see for instance Balarin, 2016; Srivastava, 2007; Walford, 2011), the 'affordable learning, poor household targeted, expansion of access, better quality and cost efficiency' narratives are equally present in the case of S-LFPS in Buenos Aires. S-LFPSs' fees usually range from 15 to 50 USD a month, that is between 3 per cent and 10 per cent of the minimum wage (ARS 8,080 in 2017), although it is evident that the comparison is valid only for formal workers (see Moschetti, 2015).

new S-LFPSs were created throughout the period, but rather existing S-LFPSs have increased their enrollments by 50 per cent on average between 2005 and 2015 (DGEGP-CABA, 2016).

METHODOLOGICAL AND CONCEPTUAL CONSIDERATIONS

This chapter presents results and analysis forming part of a larger policy, school and household-level study on the S-LFPS sector in the City of Buenos Aires. The study's main purpose is to examine the extent and conditions under which S-LFPSs can supplement government provision and increase educational opportunities for students in economically disadvantaged areas. Following Srivastava and Hopwood's (2009) framework for qualitative data analysis, the study iteratively addresses three interrelated analytical levels: (1) the regulatory framework, or what the policy says and does in terms of 'rules of the game'; (2) the S-LFPSs' logics of action, or how schools operate within the regulatory framework; and (3) the parental choice rationalities in relation to S-LFPSs.

The discussion in this chapter is based on results at the S-LFPS level. I used case study methods to explore S-LFPSs' views on competition and the different logics of action they deploy regarding enrollment under the supply-side policy framework. I selected nine S-LFPSs offering primary education located in the city's poorest neighbourhoods to conduct on-site observations during a period of eight months, as well as in depth interviews with principals, owners, teachers, and legal advisors (n=52). Schools were selected as a stratified purposeful sample on the basis of the type of provider following the average distribution prevailing in the S-LFPS sector. The final sample is composed of four schools belonging to non-profit organizations (NPO), three belonging to the Catholic Church or to some Catholic religious order, and two belonging to private companies.

Drawing on previous, although limited, research on schools' responses to charter school frameworks, quasi-markets, and school competition in general, I developed a non-exhaustive typology of potential logics of action followed by schools in competitive scenarios as a preliminary checklist to identify whether S-LFPSs engaged in any and with what consequences (Figure 6.1). I defined

'logics of action' following Ball and Maroy (2009), Maroy and Van Zanten (2009) and Van Zanten (2009) as an enlarged version of the concept of 'strategy' – which is usually narrowly associated to an instrumental rationality. In contrast, the concept of logic of action 'does not suppose that school agents are conscious of the effects of their choices or that they act on the basis of a rational-instrumental calculation of costs, means and benefits' (Van Zanten, 2009: 87). Logics of action can be 'strategic' – and most certainly are – but not exclusively, and, more importantly, they are inevitably mediated by a series of constraints – or 'mediating factors' (Jabbar, 2015) – that are both external (regulatory framework, neighbourhood's and nearby schools' characteristics, schools relative position in the local hierarchy)⁵ and internal (perception of competition,⁶ enrollment level, student's characteristics, history and *ethos*, and so on) (Ball and Maroy, 2009).

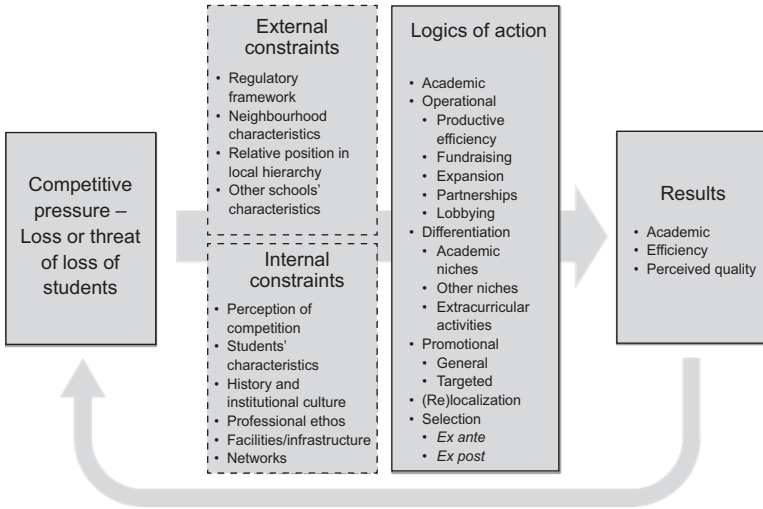
Following Woods, Bagley and Glatter's (1998) and Jabbar's (2015) typologies, I distinguished six different general logics of actions schools might resort to under competitive pressure to attract enrollment. These are: *academic*, regarding changes in curriculum and efforts to improve quality; *operational*, affecting how resources are procured and used in order to gain efficiency and ultimately achieve economies of scale through expansion or the development of partnerships; *differentiation*, aiming at buffering from competition – arguably generating a less intense 'monopolistic competition' (Lubienski, 2003) – by developing academic or non-academic niches, or offering extracurricular activities to gain uniqueness (Jabbar, 2015; Woods, Bagley and Glatter, 1998); *promotional*, developing various types of general or targeted communication actions;⁷

⁵ The relative position in the local hierarchy can be thought of as the position each school occupies in a subjective prestige hierarchy (see Maroy and Van Zanten, 2009). To assess this feature I relied mostly on data from the household analytical level.

⁶ The perception of competition – e.g., asking school principals whether they feel they have direct competitors and how many – contrasts other more objective but arguably less relevant measures of competition such as geographic density, market size, etc. (Levačić, 2004).

⁷ While many consider 'promotional activities' and 'marketing' to be synonyms (Gewirtz, Ball and Bowe, 1995; Jabbar, 2015), in this chapter we refer to promotional activities exclusively as external communication efforts (advertising). However, studies focusing on schools' marketing strategies in more dynamic and mature marketized environments than those created by supply-side subsidies,

(re)localization, relating to schools' location decisions vis-à-vis the geographical demand patterns (Lubienski, Gulosino and Weitzel, 2009); and *selection*, which can happen *ex ante* (cream-skimming or cropping off), and/or *ex post* (getting rid of low-performing students)⁸ (Jennings, 2010; Lacireno-Paquet et al., 2002; West, Ingram and Hind, 2006).



Source: Own elaboration based on Ball and Maroy (2009); Woods, Bagley and Glatter (1998); Jabbar (2015); and Van Zanten (2009).

Figure 6.1 Analytical framework

should note that marketing is a complex process in which promotional activities only occur after schools have engaged in other marketing activities such as scanning the local market (both analyzing consumer and competitor profiles), and building differentiation at the product level by means of substantive or symbolic attributes (see for instance Zancajo, 2017). It falls beyond the scope of this exploratory chapter to analyze marketing strategies from this systemic perspective.

⁸ Van Zanten (2009), for instance, distinguishes between 'first-order' and 'second-order' competition, that is, whether schools compete for enrollment, or rather for the 'best pupils' by means of different explicit or implicit selection practices.

In the following sections I focus first on reviewing S-LFPS leaders' general views regarding their role as providers of 'public' education, and on whether they feel they compete or supplement government provision. Note that the 'no-competition' narrative – that is, the fact that S-LFPSs are supposed to be neutral in terms of generating competitive interdependencies – embedded in most supply-side subsidy policies makes this point particularly relevant since it reveals the ways in which schools actually interpret and enact the policy on the ground. Then I describe the three most commonly observed logics of action and discuss (1) how these are mediated by certain internal and external constraints in each case, and (2) the equity implications of such logics of action in relation to the policy goals.

VIEWS ON COMPETING WITH/SUPPLEMENTING GOVERNMENT SCHOOLS

In-depth interviews showed that all school principals and owners had a very detailed knowledge of the surrounding public and private schools, especially regarding their curriculum, fees, enrollment and overall reputation. This reveals that, although informally, S-LFPSs strongly engage in market scanning practices, especially in relation to other 'producers' (Woods, Bagley and Glatter, 1998). However, both S-LFPS principals and owners were very reluctant to identify other schools as competitors. Competition appeared overall as a somewhat 'forbidden word' and principals were usually not comfortable with it, especially when referring to public schools. This does not mean that they did not experience competitive pressure:

Last year they opened a new public school a few blocks away from here; a beautiful school and, of course, no tuition fees. We were scared to death that we were going to lose enrollment. Because, of course, we have to have students to keep the school open. (NPO school principal)

Yet, the competition theme was often replaced by a narrative of cooperation and harmonic relationship in which S-LFPSs principals tried to discursively blur their differences with government schools arguing that – as charter school proponents usually emphasize (Nathan, 1996) – state-funded private schools are to be considered

just as public as governments schools. Accordingly, they depicted their role as ‘cooperating with government schools’, or neutrally ‘offering alternatives for families’:

I wouldn’t say we compete for enrollment with public schools ... We are part of the same education system. We are a private school but we are part of the same *public* education system, then we are public too, I think. (Private company school owner)

Families can choose whatever suits them best; they can go for public or private subsidized. All alternatives are equally valid. (NPO school principal)

These conflict-free narratives paradoxically contrast with S-LFPS principals and owners sharing a widespread negative view about public schools, especially regarding quality and teacher engagement. That sense of superiority might be behind not recognizing public schools as competitors. Most principals, especially those at NPO schools, usually experienced a somewhat moral dilemma when criticizing public schools, which they creatively solved by saying that it was not their own actions but public schools’ poor performance that kept S-LFPSs’ enrollments up. In a similar vein, some S-LFPS principals denied the existence of competition and accused public schools of not being open to their cooperation attempts:

It is impossible for us to build relationships with public schools. They won’t talk to us. They label us as if we were stealing students from them, I don’t know why, it’s just crazy. (NPO school principal)

Interestingly, from the perspective of public schools, it appears that S-LFPSs ‘steal’ students from them. However, the nature of such competition remains unclear and is strongly mediated by the neighbourhood’s schooling dynamics, and especially by the fact that these neighbourhoods have historically suffered from having not enough schools (considering both public and private) (Musa, 2013; Sigal et al., 2011). As one Catholic S-LFPS principal put it: ‘Fortunately or unfortunately, there’s “fish for all” in this district’. While competition dynamics are more evident when supply clearly outstrips demand and forces under-enrolled schools to close, competition can take more subtle forms and schools may compete for

enrollment and resources but simultaneously for other less obvious forms of capital such as prestige and reputation. Prestige and reputation, as many have noted, are some of the most relied on proxies used by families in their school choice decisions; so, for schools, prestige and reputation increase desirability and may lead to success in enrollment. However, in education services production, competition for prestige is closely linked with competition for certain types of students. As noted by Van Zanten (2009: 86): ‘in all service professions, the characteristics of clients strongly modify work content and occupational prestige. This triggers a “second-order” competition between schools to get the best – usually conceived as the most academically able – students’. Arguably, public schools in the area feel threatened by the existence of S-LFPSs not because they might end up having *less* students – which is most unlikely given the current demand-supply imbalance – but probably ‘less academically able’ ones.

MOST COMMONLY OBSERVED LOGICS OF ACTION

Selection of Students

Selection of students was by far the most commonly observed logic of action deployed by S-LFPS in their relationships with demand. Despite being explicitly forbidden and most infrequent in primary education internationally, selection practices were more or less openly described by eight out of nine S-LFPS principals. In two cases, even web pages contained detailed information on the admission criteria and process.

S-LFPSs engaging in selection practices had formal admission processes and usually used between two or three different selection techniques such as academic tests, screening interviews with candidates and parents, psychological tests, examination of academic records and reports (if transferring from another school), among others. Behavioural issues and academic aptitude were the key concerns and so academic and psychological tests were among the most frequently-used techniques.

When describing their selection processes, some principals, owners and teachers⁹ were more explicit in describing what they expected and what these processes included:

They must go through the interviews and they must pass the admission exams in order to be admitted; math and language. Siblings, little brothers, sisters, cousins, everybody has to take and pass these exams if they want to get a spot. If they're relatives, then it's easier because we already know the family, but they must pass the exams anyway. (NPO school teacher)

In comparison, others were more 'self-conscious' and resorted to explanations emphasizing the potential 'fit' between the school and the family. Interestingly, in religious S-LFPSs such fit was not initially linked to the family's religious beliefs:

There's a first interview with the psychopedagogue. Parents also have to bring a report from the previous school or kindergarten. What we try to do is ... not to select, but to see if the kid would fit in the group. We interview the parents too, and then there is an exam to see if the child ... It's not a qualifying exam ... it's kind of diagnostic. We don't want the kid to feel he/she's out of place. Sometimes parents understand, and sometimes they don't. (Catholic Church school principal)

There is an admission process including a small test, to know where they come from, a small interview with the family ... And sometimes, a small test with the psychopedagogue, to see if ... That is, no one is discarded for their knowledge, but we evaluate whether this is the best school for that family, whether we can help. (NPO school principal)

Only one school in the sample did not select students. The institutional decision against selection was the consequence of both internal and external constraints that made selection both unacceptable and unstrategic. In particular, the school's history and institutional culture – being originally a pre-school day care institution for disadvantaged children – and its principal's 'missionary' professional identity made its staff experience a moral rejection regarding student selection. Also, the surrounding schools – mostly, religious

⁹ Teachers were usually in charge of the first phases of the selection processes.

S-LFPSs – were highly selective¹⁰ and thus better positioned in the local hierarchy. So, while this school was not under-enrolled – initially thanks to the overcrowding and ‘bad press’ of public schools in the area – it served many ‘repeaters’ and ‘rejects’ coming from other S-LFPSs in order to fill all the spots.

Overall, schools gave three different types of justification for selecting students: (1) *pragmatism* (‘We have more applicants than spots and, besides, every school does it this way’); (2) *legal* (‘As private institutions we reserve the right of admission’); and (3) *meritocracy* (‘We offer high-quality education and not everybody can cope with it’). Paradoxically, the normative framework forbids student selection,¹¹ and S-LFPS’ principals referred to their schools as ‘public’ – in line with their legal denomination – and as part of an institutional network bearing a pro-poor, pro-equity approach to education. At the same time, however, the legislation allows S-LFPSs to operate admissions on a school-based basis, whereas public school admissions are run through a centralized on-line single-blind application system. The pervasiveness of selection practices reveals these normative inconsistencies but, more importantly, a strong lack of government oversight over opportunistic behaviour.

Operational Changes

Efficient use of resources and resource development were major concerns among S-LFPSs principals and owners. Since subsidies are aimed at financing only teachers’ and principals’ salaries, and tuition fees are limited by the ministry, most S-LFPSs engaged in a series of practices to either make intensive use of or increase available resources.

In order to increase available resources, most S-LFPS engaged in fundraising activities to some extent. Fundraising was usually performed using the legitimating halo stemming from S-LFPSs’

¹⁰ One of these schools preferred having empty seats than recruiting certain types of students for prestige and cost-efficiency reasons. Interestingly, this was the case even in the absence of high-stakes testing accountability systems (compare with Jabbar, 2015; Lubienski, 2005).

¹¹ Law N° 2.681/08 states that reasons for not admitting or not readmitting a student in a private institution should not be contrary to the rights recognized in the National Constitution and in the Constitution of the City of Buenos Aires.

serving economically disadvantaged students. However, not many S-LFPSs had the capacity and/or expertise to sustainably raise funds. Some, especially among NPO schools, had quite sophisticated fundraising programmes, targeting corporations and individual donors. In these cases, recurring donations represented between 20 and 30 per cent of the schools' operating budget. Still, the majority performed less systematized fundraising activities and could not rely on these resources to cover current expenses. One-time donations were most commonly applied to the purchase of teaching materials or to building new facilities, depending on the amount.

Another way of increasing available resources consisted in offering extracurricular activities, additional subjects and services. This is because maximum fees apply basically for curricular subjects but admit great flexibility for extras. Accordingly, while additional offers helped to build differentiation, they also provided schools with the chance to bypass the maximum fees regulations and charge add-ons to basic fees. Seven out of nine schools in the sample engaged in some kind of product and price engineering.

On the other hand, expansion and increasing class sizes were the most frequent practices to gain productive efficiency. Over the last ten years every school in the sample had expanded in one way or the other. Expansion strategies ranged from building more classrooms and, when possible, expanding into kindergarten and/or secondary levels, to partnering or merging with other neighbouring schools to achieve economies of scale, especially by centralizing administrative activities. Also, seven out of nine schools had grown to having more than 45 students per classroom thus maximizing the use of both available facilities and teacher salary subsidies while collecting more individual fees.

Differentiation

Differentiation as a means of attracting enrollment operated in two different levels. First, at a 'collective level', as a means of buffering S-LFPSs against competition from government schools in general. Whether formally coordinated or not, S-LFPS seemed to work in coalition attempting to secure (potential) market share for all. This happened especially in the discursive dimension with S-LFPSs

building and communicating an overarching set of symbolic attributes from which government schools were excluded. These discourses clearly resonated with the general highly-mediatized crisis discourses targeting public education. The ‘better quality mantra’ was systematically repeated by all S-LFPSs’ principals, owners and teachers in their conversations with parents to mark a difference with government schools. This was reinforced by the incorporation of uniforms and a narrative of a ‘personalized and caring teaching style’ as opposed to public schools depicted as ‘chaotic and insecure environments for learning’. Moreover, S-LFPSs’ not having teacher strikes was used as the most frequent selling point for parents who were also considering public schools. To a great extent – and in contradiction with the rhetoric of collaboration – S-LFPSs’ public image was essentially constructed as an opposition to government schools.

Second, differentiation logics of action operated at an institutional individual level, as a means of buffering S-LFPSs against competition from other S-LFPSs and from some public schools. In these cases, differentiation was less discursive and instead materialized in better-looking facilities, extracurricular offers, and niche programmes, some being academically relevant. Four schools in the sample, for instance, developed some kind of niche programme, both academic and non-academic – according to Jabbar’s (2015) distinction: bilingual, same-sex education, special educational needs and tracking. In some cases, these were said to be the key for having increased their ‘trade area’:

We have many students coming from very far away because of our bilingual program ... one, even two-hour bus rides. (Private company school principal)

Schools marginally engaging or not engaging in differentiation practices (n=2) usually found it relatively more difficult to increase enrollment. However, they were still able to keep their classrooms full, arguably profiting from the collective differentiation logics of action and developing ‘de facto niches’ such as accepting repeaters and students expelled from other schools.

CONCLUSION

Findings from this study suggest that no matter how indirectly subsidy allocation is linked to enrollment, the fact that there exists some connection – mediated by the number of teachers, for instance – is enough to create competitive pressure and, accordingly, different responses from schools. This is mainly because, as stated by Van Zanten (2009: 86), ‘even in systems where school budgets are not allocated on a strict per capita basis, most other resources ... are allocated according to the number on pupils’. Moreover, when state-funded private schools are allowed to charge fees and these represent a significant portion of schools’ operating budget, competition receives an extra boost. In the case of supply-side subsidy schemes, predefined eligibility criteria for subsidy allocation could create some barriers against competition – especially shaping the kind of private providers allowed to participate and favoring, for example, non-profit organizations. However, exploratory findings from this study show no clear differences between for-profit and not-for-profit S-LFPSs regarding their orientations to competition operating under the same policy framework (see similar findings in Bano, 2008).

Among the most frequent logics of action, second-order competition, as evidenced in the pervasive student selection practices, appears as incompatible with the policy goals of S-LFPSs supplementing public provision while ensuring equal opportunities. Furthermore, while differentiation logics of action lead to some curriculum diversification or the development of academically relevant programmes in some cases, most frequently differentiation was either a student selection-driven practice carrying additional costs for families, or otherwise happened at a discursive-symbolic dimension emphasizing public schooling’s shortcomings. Interestingly, most competitive logics of action showed some interconnectiveness in line with the incentives generated by the policy. For instance, having 45 students per classroom (thus maximizing subsidy and facility use) is arguably sustainable only by means of selecting the most academically able. Likewise, selection practices then increased demand by reinforcing S-LFPSs’ image as quality schools opposing that of public schools.

Finally, while some studies have long described the segmented (or fragmented) nature of the educational system of the City of Buenos Aires (and Argentina) (Braslavsky, 1985; Krüger, 2012; Tiramonti, 2004), this study helps identify some of the school- and policy-level mechanisms that produce such trends and that are more subtle than fee charging. In this sense, this study suggests that normative inconsistencies and the lack of state oversight play an important role in exacerbating competition's adverse effects. In particular, S-LFPSs are granted more formal and informal tools to potentially compete, as compared to public schools. This is the case of S-LFPSs having substantively more autonomy to define curriculum and hire and fire teachers (Gottau and Moschetti, 2015). Also, enrollment residential boundaries apply for public schools but, interestingly, not for S-LFPS. In addition, S-LFPSs operate admissions on a school-based basis leaving room for opportunistic behaviours – as evidenced in this study – whereas public school admissions run on a centralized on-line single-blind application system. These elements are certainly at the root of the segregation dynamics, the consequent loss of positive peer effects and the damage to social cohesion. Arguably, for S-LFPSs to actually supplement public provision much more state oversight and equal regulations for public and S-LFP schools are needed.

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7. From billionaires to the bottom billion: who's making education policy for the poor in emerging economies?

Carol Anne Spreen and Sangeeta Kamat

Privatization of education is at a new and dangerous phase, particularly in emerging economies of Africa, Asia and Latin America, where multinational companies have their sights set on the profit potential of 'education markets' in these regions. The global market for education is estimated to reach \$5 trillion, with much of this growth expected in Asia and Africa, with many of their countries having the highest proportion of school-age children in the world.¹ While this chapter is based on research conducted in India,² we find parallel trends of global corporate investment and profit-seeking ventures in the school sector in other developing and emerging economies. Our research focused on the city of Hyderabad in southern India that has the highest rates of school privatization in the country and is also home to technology giants such as Microsoft and Google. We made site visits to private schools and government schools in low-income neighbourhoods, interviewed principals and proprietors, consultants and start-up firms that are engaged in the design and delivery of services and

¹ The IBIS estimates offer a glimpse of the market for e-learning (beyond US borders), serving 1.4 billion students and 62.5 million educators according to an analysis by an international investment bank that advises companies on educational technology (EdWeek Market Brief, 7 February 2013).

² For a comprehensive report of our research and findings, see Education International (2016).

products, and spoke with parents, education activists and government school teachers. One of the primary findings of our study is the extent to which the global technology industry is leading the ‘scaling up’ of the for-profit education sector globally, with its eyes set on the un-tapped market of parents and their over-burdened governments in India and Anglophone parts of Africa. While there are varied entry points for private sector approaches in education, it is (so-called) ‘low-fee’ private schools rooted in e-learning technologies that are of primary interest to multinational companies that are active in this sector. Alarming, children and families in some of the world poorest communities are the primary target of this industry, with shareholder reports referring to the ‘untapped potential of the world’s bottom billion’ (Bridge International Academies, n.d.).

This hugely profitable market of the edu-solutions industry has been well documented elsewhere (see, for instance, Junemann and Ball, 2015; Olmedo, 2013; Hogan, Sellars and Lingard, 2015; Verger 2016), and Nambissan’s work in particular has been valuable in tracking the evolution of this industry in Hyderabad starting from the early 2000s to the present (see Nambissan 2014, 2012a; Nambissan and Ball, 2011). Our study corroborates and extends Nambissan’s research on Hyderabad as an important site to understand the dynamics of for-profit education in emerging economies. Our research uncovers the powerful nexus between global tech companies and hedge fund investors, conservative think tanks, and edu-businesses in establishing a profitable education services market (see also Nambissan, 2012a, 2014) combined with the desires and aspirations of the marginalized to seek better education opportunities. Similar to Nambissan (2012a), our research shows that early efforts to ‘scale up’ Hyderabad’s independently owned and dispersed network of low-fee private schools were initially unsuccessful due to government regulations and limited payer abilities, but other new (largely unregulated) markets were also created.

In many ways India’s RTE Act (2010) has made multinational corporations wary of investing and scaling up LFPS and this has led investors and companies to create new markets in areas that are unregulated and virtually untapped, such as pre-schools and tutoring services for low-income families. Other strategies have been to create public–private partnership or PPPs with local governments (as in the case of Bridge International Academies). Significantly,

investment by these players in technology-based education solutions outside of regulatory frameworks (including developing curricula and classroom resources, assessment and testing systems, training for teachers and education industry leaders, and even virtual or online schooling) have flourished. These products and services, with links to multinational corporations and investors, have immediate global scalability that can potentially redefine education in previously unimaginable ways. The central question is: whose interests are served by these new edu-solutions providers?

Our research explains why Hyderabad is a choice destination for investors and companies in their 'market making' efforts. In the 1990s, Hyderabad was established as an 'outpost' of the global outsourcing economy and became a hub for software developers, call centres and 'back office' operations for leading multinationals including Google, Microsoft and Amazon (Biao, 2006; Upadhyay and Vasavi, 2008). In the post-2008 global recession, some part of the software sector and outsourcing is being redirected toward developing and scaling up the edu-business market. Hyderabad, with its already established software economy and a surplus of skilled labour in the tech industry, provides the perfect 'ecosystem' for the edu-solutions industry. From the point of view of market efficiency therefore, it is logical that Hyderabad is an attractive site for venture philanthropy, global tech companies and private equity firms looking to make 'impact investments' in the edu-solutions market. E-learning companies poised to benefit from this market including content and assessment corporations like Pearson, mobile network firms, and companies that provide toolkits and tablets have been focusing on these products for years, with India's software industry as a key developer and recipient (Cave and Rowell, 2014b). The mobile education market is predicted to be worth \$75 billion worldwide by 2020, and market for devices like learning tablets is set to be worth \$32 billion (see Education International, 2016). It is ripe for expansion in India. Estimates from rating agencies place the potential value of India's education market at \$110 billion (Shinde, 2013; Chatterji, 2010; India Brand Equity Foundation, 2016). Multinational technology giants such as Microsoft, Dell, eBay and Facebook are making significant investments in this sector in order to leverage this market and provide a comprehensive set of products and services including data management, assessment systems, curricula, teacher training, online courses, and

virtual schools, that eventually aim to make the state redundant as an educational provider.

In mapping the evolution and merging of e-learning with private schools for the poor our study shows that as these products become institutionalized in the management and governance of schools (e.g., school accreditation, certification requirements or becoming a 'brand' of some sort), their market expands and prices for products and services increase significantly. We found that multinational corporations are not merely benignly selling products and services to open markets; they are also actively engaged in lobbying for education policies that benefit their bottom line. Most importantly, their 'profits' are derived not from some benign 'market' of middle-class consumers, but from fees paid by poor families and government education funding!

While we believe that e-learning services could provide more democratic, freer, universally accessible forms of education, the reality of for-profit education services is that they support a tiered system based on individuals' ability to pay. The world's largest multinational education corporation, Pearson, operates in 70 countries, positioning itself as the world's education service provider, often using technology-based one-stop-shop programmes from curriculum and assessment, to teacher training and data-based decision-making software. Pearson has entered emerging economies (e.g., India and the Philippines) through the Pearson Affordable Learning Fund (PALF), a venture capital investment fund. As it headlines on its website, PALF 'makes significant minority equity investments in for-profit companies to meet the growing demand for affordable education across the developing world'.³

Bridge International Academies (BIA) founded by an American couple is one of the most ambitious for-profit education companies to emerge in recent years. Financed by Pearson, billionaires Gates, Zuckerberg and Omidyar, and aid/development organizations such as DFID-UK and the World Bank, the Bridge model of 'School in a Box' promises huge profits through rapid expansion of a low resource, standardized and scalable model of schooling that leverages the technology assets of the investors themselves.

³ See <https://www.pearson.com/corporate/sustainability/sustainability-stories.html> and <https://www.cbinsights.com/investor/pearson-affordable-learning> for PALF's for-profit investments in education. Retrieved on 20 May 2018.

The projected earnings in BIA's 2015 report to shareholders (BIA Franchisee Report, 2015, in BIA, n.d.) assures a billion dollars in revenue over a ten-year period. The same report maps the first phase of market expansion of BIA based on a PPP model of governments in Liberia, Kenya and India outsourcing their public schools to BIA. It bases this projected expansion on an assessment of 800 million pre-primary and primary school aged pupils in these countries living on less than \$2 per person per day and 70 per cent of their parents seeking 'a better alternative' schooling, most already committed to private schooling but in 'cottage industry' schools. The document claims there is room for an 'aggressive, technology-leveraged, data-driven R&D, scaled approach'.

Through these and other public-private partnership (PPP) approaches, governments are beginning to outsource education systems (instead of investing in teachers and infrastructure), which has enabled corporations like Pearson to make considerable profits from public sector investments. Though outsourcing involves longer-term relationships with higher risks to governments (as opposed to subcontracting, for instance), it has become accepted practice within the education aid and development model. This fiscal impetus has impacted education delivery, shifting education policy and planning from a national to a global endeavour that is increasingly shaped by businesses not educators.

Moreover our research suggests that throughout the world a wide array of technology-based education reforms are being introduced lacking any evidence base. In many ways, new education technologies have redesigned the delivery of education – standardizing and commoditizing education, reducing educational processes and student-teacher relationships to easily quantifiable and recorded forms, and distancing educational professionals from the process of educational engagement (ultimately deprofessionalizing and de-skilling the teaching profession). By tracing the evolution of the so called 'edu-solutions' industry in India, we demonstrate how technology, big data, Artificial Intelligence, virtual learning, and standardized assessment/data systems have served as a conduit for private interests entering the classroom. The rest of this chapter summarizes what has been the perfect storm in one of India's high-tech hubs – Hyderabad – where the technology industry attempts to meet the needs and desires of aspiring poor families at the door of a growing low-fee private school industry targeting

India's poor. We then shed light on some of the big players of the Global Education Industry and their approaches and impacts on the public education sector in this part of India.

Lastly, our study underscores that the privatization of education also undermines the right to education, diverting much-needed government funding to the private sector instead of the better provisioning of public schools by improving facilities, resources, and support for schools and teachers.⁴ Through their global influence in policy and planning, multinational corporations are not only beginning to control the content of the curriculum and testing in countries, they also make decisions about who teaches and under what conditions, and have begun to replace qualified teachers with untrained (and underpaid) teachers⁵ using tablets or mobile-based scripted curricula. Despite all the evidence indicating that the application of market principles to the provision of education has a negative impact on students by deepening segregation and inequality, and undermining quality, many governments are complicit in what amounts to a de facto dismantling of public education (Spreen and Vally 2014; Härmä, 2009, 2011).

THE PERFECT STORM: NEOLIBERAL REFORMS AND DISINVESTMENT IN PUBLIC EDUCATION

In India, the decline of public education and the concomitant growth of private education can be traced to three main factors. First, the meagre education budget does not match demand. India has the largest youth demographic in the world, with half the

⁴ See *Global Section: the School Fee Abolition Initiative (SFAI)*, report from The United National Girls' Education Initiative (UNGEI). Retrieved from http://www.ungei.org/infobycountry/247_712.html on 4 June 2018; *Privatisation in Education: Global Trends and Human Rights Impact*; report from the Right to Education Project (RTE) (2014), Retrieved from <http://www.right-to-education.org/resource/privatisation-education-global-trends-human-rights-impact> on 4 June 2018; and *Working for the Many: Public Services Fight Inequality*, report from Oxfam International (2014). Retrieved from <https://policy-practice.oxfam.org.uk/publications/working-for-the-many-public-services-fight-inequality-314724> on 4 June 2018.

⁵ Similar trends have been identified in other emerging economies such as the Philippines, Ghana and South Africa. See Riep (2015); Spreen and Vally (2014) for details of the GEI in these countries.

country's population of 1.2 billion under the age of 25, but the education budget hovers at around 3.8 per cent of gross national product (GNP)⁶ (Varma, 2017). In 1968, the Indian state had committed to 6 per cent of GNP for its education budget, a target unfulfilled to this day (Tilak, 2009, 2006). A lack of political will to finance public education has legitimated the corporate sector's role in fulfilling unmet demand in education. Second, in 1991, the Indian state launched far-reaching reforms to liberalize, deregulate, and privatize the public sector, including social sectors such as health care and education (Nambissan, 2010; Nayyar, 2008; Venkatnarayanan, 2015). As a result, state governments divested themselves from government schools, shrinking the size of the sector and adversely impacting quality. To conclude from this that poor people are 'voting with their feet' as is often claimed, ignores the effects of systematic state policy from the early 1990s. In 1996, the state support to establish new aided schools was withdrawn and in 2008 support for existing aided schools ended. Government schools faced significant budget cuts, teaching positions remained unfilled, schools and grade levels were merged to cope with the shortages, even cleaning staff were denied to schools and buildings were allowed to deteriorate. In our field research in Hyderabad, the harmful impact of state divestment from public schools was clearly evident. Studies show that 'the government's reduced priority toward providing sufficient resources to elementary education has indirectly increased the privatization of schools at elementary level' (Venkatnarayanan, 2015; Nambissan, 2010). Further, government schools are required to teach in the native language⁷ of the student, especially at the primary level. However, the shift towards a global outsourcing economy in India has led to burgeoning demand for

⁶ The 2016 union budget has allocated 4.9 per cent of GNP to education, but if one considers inflation and the GDP growth rate, the new budget is less than previous years. This does not meet the government's own target of 6 per cent of GNP for education (Tilak, 2006, 2009).

⁷ India is divided into linguistic states, hence medium of instruction varies by state. In a cosmopolitan city like Mumbai, government schools offer instruction in as many as nine languages. In Telangana and AP, medium of instruction in government schools is either Urdu or Telugu, the two dominant language groups in the region, though there is legal provision to offer instruction in Marathi and Gujarati as well. We believe no other country offers such linguistic diversity in its school system and affirms the importance of 'mother tongue' education especially in the early years of schooling.

English only education that has led to even less demand for government schools (Lukose, 2009; Jeffrey, Jeffery and Jeffery, 2008; Faust and Nagar, 2001). These economic, social and political transformations of the last two decades have led to the proliferation of private 'English medium' schools across the country. And, while a national mobilization by educators and civil society groups to fulfill international norms related to universal basic education led to the promulgation of the Right to Education (RTE) Act in 2010, the Act permits private provision of education. Important to note here is that the RTE Act requires both private and public schools to fulfill minimal standards of quality education such as teacher certification, adequate physical infrastructure and operating on a not-for-profit basis. Advocates of quality education hoped that the legal mandates on private schools would curtail rampant commercialization and limit profit-seeking behaviour in education. However, our study and others find that the commercialization of education has continued apace and low fee schools function in flagrant violation of India's Right to Education Act. Furthermore, international investors have found ways to manoeuvre around the RTE Act by investing in the e-learning market and marketing edu-tech services and products to schools. The Indian case demonstrates that stronger and uncompromising legislation and enforcement are needed to prevent the commercialization and commodification of education as a whole.

In light of the above, it is not surprising that proponents of low-fee private schools (LFPS) are staunch opponents of the RTE Act and argue that these regulations prevent the poor from accessing education. Advocates of privatization promote LFPS as a cost-effective, profitable and economically viable way to universalize basic educational services, presenting them as a win-win formula for companies seeking a profit and for poor families wanting an education (Pearson, 2012; Tooley, Dixon and Gomathi, 2007; Jain and Dholakia, 2009). However, an estimated 37 per cent of the country's population live below the poverty line and cannot afford even the LFPS that are the cheapest private schools available (Government of India, 2009; Tilak, 2009; Nambissan, 2012b, 2014). On average, 30 per cent of household expenditure across different income categories is spent on private schooling, with the costs highest at the primary level (Tilak, 2009). Studies also show that all types of inequalities in household expenditure on education – by gender, rural–urban, household expenditure quintiles, and even

by type of education – are the highest in primary education. This indicates that primary education being offered by different types of private and public schools in the country, tends to accentuate inequalities (Tilak, 2009; Mehrotra, 2005; Nambissan, 2014).

In critically assessing these multinational actors' claims to make schooling for the poor profitable while simultaneously promising quality education our research has shown that LFPS are not accessible for the very poor (Education International, 2016). This corroborates other studies that examine the socio-economic profile of families in LFPS to show that a significant proportion of rural and urban poor are unable to access LFPS (Goyal and Pandey, 2009; Härmä, 2011; Juneja, 2010). Furthermore, these schools fail to meet universal norms of quality education (Chudgar and Quin, 2012; Singh, 2015; Kelly, Krishna and Bhabha, 2016). Cost-cutting approaches include 'standardized and replicable processes to achieve economies of scale and allow rapid development' and 'leverage low-cost, high-impact technology' (Riep, 2015). Finally, the data on learning outcomes is mixed, with few rigorous studies showing superiority when control for socio-economic differences are taken into account (Woodhead, Frost and James, 2013; Singh, 2015; Kingdon and Theopold, 2008).

HYDERABAD: HI-TECH CITY MEETS THE OLD CITY

An important foundational part of our research has been to understand the networks and logics of global investors and corporations that are active in the edu-business sector in Hyderabad. Hyderabad, famously referred to as the Silicon Valley of the East,⁸ has made a name for itself as the destination of choice for the global IT economy. In 1997, the then Chief Minister of the state, Chandrababu Naidu, built Hi-Tech city, a 'software park' to provide state-of-the-art facilities and cheap labour for the global IT and outsourcing economy. Hi-Tech city has attracted leading software companies and multinational firms and has become a hub for both high-skilled labour such as software design and manufacturing and

⁸ Hi-Tech city is also an acronym for Hyderabad Information Technology Engineering and Consultancy.

the relatively less-skilled business processing call centres (Biao, 2006; Upadhyay and Vasavi, 2008). Hyderabad is also known for its extensive network of for-profit post-secondary institutions that specialize in engineering and computer science, and that form the supply chain for Hi-Tech city (Biao, 2006; Kamat, 2011; Kamat, Hussain and Mathew, 2004; Upadhyay and Vasavi, 2008). Global multinationals such as Google and Microsoft have their country headquarters in the city, making it an attractive destination for global edu-businesses looking for commercially viable technology-based solutions in education. For PALF and other edu-investors, the availability of a huge pool of computer engineers and software workers from which to recruit prospective entrepreneurs makes Hi-Tech city of strategic importance to build the edu-solutions market.

Other parts of Hyderabad city are remarkably different from Hi-Tech city and its surroundings. The distance from the 'Old City' to Hi-Tech city is eleven miles but they are worlds away from each other. Hyderabad has a sizable Muslim population of 41 per cent, considerably higher than elsewhere in the country.⁹ 'Old City' Hyderabad has poorly maintained infrastructure, inadequate housing, water supply and electricity, and poor sewage and sanitation services. The streets are dotted with signs that advertise 'coaching centres' for Math and Science, spoken English tutorials, and corporate colleges that promise entry into a career in Hi-Tech city (Kamat, 2015). Most of these are poor and concentrated in the southwest part of Hyderabad, in and around the 'Old City', where James Tooley first discovered the LFPS that he promotes globally as the new model of schooling for the poor (Tooley, 2000, 2007). While accurate data on the number of LFPS is difficult to source, an estimated 1,300 of these exist in Hyderabad city alone (ASER, 2011).

Our study of the LFPS sector in Hyderabad reveals a complex well-networked assemblage of global actors that are in the business of education privatization and that stand to make a considerable profit from it. Two actors stand out as having launched the LFPS 'movement' in India. One is James Tooley from the University of

⁹ The city was the capital of the princely state of Hyderabad ruled by Muslim nobility for over two centuries and was never under direct British colonial rule.

Newcastle, UK, a leading advocate of LFPS in India and several other countries in Asia and Africa. Tooley is currently Chairman of, and investor in, Empathy Learning Systems Pvt. Ltd. based in Hyderabad. The second influential actor is the global corporation, Pearson that operates in the LFPS sector through its philanthropic venture, PALF. Pearson is the world's largest multinational education corporation with operations in 70 countries worldwide and an extensive business portfolio that positions it as the world's leading education service provider. In an interview, PALF CEO Katelyn Donnelly confirmed that India is their 'first market before they expand to other countries'.¹⁰ For her, India is the right market to test products for the low-income segment because 'parents have shown a willingness to pay'.¹¹ For promoters of the 'edu-solutions industry' Hyderabad's importance is underscored. A loan officer interviewed by the authors at the Indian School Finance Corporation (ISFC) that gives loans to LFPS expressed a similar sentiment: 'Hyderabad ... is a very welcoming market for innovations in education. So everything that we launch and develop, this is the right place for us to test and get its results and response.'

As a member of several global policy forums in education such as the Global Partnership for Education (GPE) and the Global Business Coalition for Education that it helped found, Pearson is able to influence and shape policy that complement its interests and investments. Pearson is active in emerging economies through PALF, a venture capital investment fund that 'makes significant minority equity investments in for-profit companies to meet the growing demand for affordable education across the developing world'.¹² In recent years, PALF has invested in ten companies spanning five countries, and allocated its first fund of US\$15 million, with plans to invest a further US\$50 million in edu-solutions companies in the next few years. According to their website, these companies are on 'an upward trajectory toward growth, profitability and better learning outcomes'.¹³ And with the new technicist emphasis on 'social efficiency measures', PALF's investment arm has also capitalized on developing new market

¹⁰ Donnelly quoted in Moses (2013).

¹¹ Donnelly quoted in Moses (2013).

¹² <https://www.affordable-learning.com>. Accessed on 5 May 2016.

¹³ <https://www.affordable-learning.com>. Accessed on 5 May 2016.

products and software for measuring accountability and learning outcomes, which they 'apply rigorously to every investment'.¹⁴

PALF was the primary investor in Omega Schools, a chain of LFPS in Ghana of which James Tooley is co-founder and Chairman of the Board. Omega Schools is regarded as a pioneer in the 'pay as you go' model (meaning access to school each day is conditioned on the learner arriving with payment) that has attracted many investors but is deeply problematic in terms of access and equity in education (Riep, 2015). PALF has also recently cultivated more major international supporters and donors such as Save the Children and large impact investors like Omidyar Network (n.d.). The Michael and Susan Dell Foundation have also recently co-invested with PALF.

Importantly, a significant part of the pro-privatization research that makes a case for technology-based schooling was authored by Tooley and his associates using data from schools in Hyderabad that are clients or affiliates of Tooley's company, Empathy Learning Systems, and/or are commissioned by Pearson and other pro-market international firms and think tanks (Tooley, 1999, 2007; Tooley and Dixon, 2003; Tooley, Dixon and Gomathi, 2007; Tulloch, Kramer and Overby, 2014). A significant finding from our study is that efforts to scale up these LFPSs and generate higher revenues from these schools in Hyderabad have not been successful. As a result we anticipate that these will eventually be replaced by multinational school chains (like Bridge International Academies [BIA]) that offer economies of scale through standardization and technology, enabled by sizeable global investments. The recent MOU between Chief Minister Chandrababu Naidu and Bridge International Academies, to run the state's government schools is perhaps a sign of things to come.

In addition, there are a growing number of actors and institutions involved in the promotion and expansion of LFPS including, for instance, the World Bank and the UK Department for International Development (DFID), the International Finance Corporation (IFC), think tanks, and foundations such as the John Templeton Foundation, the Bill and Melinda Gates Foundation, the Michael and Susan Dell Foundation, venture capitalists such as Gray Matters

¹⁴ <https://www.affordable-learning.com>. Accessed on 5 May 2016.

Capital, and private equity firms such as Kaizen Management.¹⁵ Our research in Hyderabad pointed to PALF as a leader of the edu-business industry, in partnership with a diverse group of corporate foundations, investors, and entrepreneurs that suggests an emergent Global Education Industry (GEI) in India.

The hugely profitable global market of edu-solutions industry through multinational corporations, philanthropic groups and global governance organization has been well documented elsewhere (see, for instance, Junemann and Ball, 2015; Olmedo, 2013; Hogan, Sellars and Lingard, 2015; Verger 2016), but to briefly reiterate, the worldwide spending on education currently tops US\$4 trillion, a figure that is expected to rise dramatically. Companies poised to benefit from these opportunities – content and assessment providers like Pearson, firms like mobile networks, and companies that provide the toolkits, software and tablets, have been focusing on these products for years, with the Indian tech industry a key developer and recipient (Cave and Rowell, 2014a). Multinational technology giants are positioned to exploit these opportunities.

What has been under-theorized is how tech giants are replacing or providing the same services that a national government would: data management, assessment systems, curricula, teacher training, online courses, and virtual schools. Early adopters receive benefits and incentives to use these inter-linking products on a trial basis at a lower cost. Over time the need for schools to purchase more products or services, or update their products increases, so does the profitability. This market is predicted to be worth US\$75 billion worldwide by 2020. For example, the mobile education market is ripe for expansion in India, particularly in rural or urban slum areas where access to reliable Internet service or computers is limited. The market for devices like tablets is set to be worth US\$32 billion. Among the global tech giants are Microsoft, Google, and, more recently, News Corp's Amplify. Importantly, these multinational

¹⁵ Some of the other players are the World Bank, Global Partnership for Education, Global Business Coalition for Education, the Business Backs Education campaign, and the Centre for Educational Innovations. A more recent phenomenon is the emergence of homegrown private foundations investing in education such as Azim Premji Foundation, Naam Foundation, Central Square Foundation, and the Naandi Foundation. These Indian foundations may have varying perspectives on the importance of public education and for-profit investments in education. See, for instance, Dhankar (2016).

corporations are not merely benignly selling products and services to open markets; they are also actively engaged in lobbying for policies that benefit their bottom line, with considerable money and effort invested that is scaled to the market sector.

THE PERFECT CON: INDIA'S POLICY ENTREPRENEURS

What has in the past often been overlooked in scholarly research 'following the money' of multinational corporations is how these new globally networked organizations are also increasingly influencing education policy. Through hiring and promoting 'policy entrepreneurs', they can conduct research and write policies to serve their interests with tremendous financial and political leverage, and use their bargaining power to set the rules (see Robertson, 2008, 2005). We argue that this is the educational equivalent to a 'ponzi scheme' – much like predatory market makers, multinational edu-preneurs try to create demand for fee-based schools, seducing parents and the poor families who desperately desire quality education (and subsequently believe in upward mobility through private technology-based schooling), and selling the idea that low-fee schools (with tech-based bells and whistles) will provide just that. In the context of education these promises haven't improved education quality.

According to Nambissan and Ball (2011), policy entrepreneurs are 'deeply embedded' in the infrastructure of neoliberal organizations internationally and locally with access to transnational advocacy networks with large financial resources. These social links form powerful and influential ties – for example, Pearson's chief education adviser, Sir Michael Barber, was a former top aide to former UK prime minister Tony Blair and 'an old friend of Tooley from when they taught in Zimbabwe together years ago' (Srivastava, 2016). What has emerged are new categories for understanding policy change within these market-making institutions. Traditional understandings of how policies and decisions are made by the state in relation to education systems do not hold for these new global policy relationships between, for instance, local entrepreneurs, corporate philanthropists and global business

executives, or the ways ideas and educational solutions are generated within and across global multilateral and financial institutions, rather than through educational planners and ministries.

In Hyderabad, PALF and other financiers also attempt to work through local private school federations to pressure the government to provide an amenable environment for their activities. Through public–private partnerships (PPPs), the government is encouraged to dismantle regulatory hurdles and implement policies that incentivize low-cost private schools, encourage the creation of new companies that offer products and services to schools, and foster NGO networks to act as service providers and intermediaries providing training, curricula, and data management and monitoring systems. The financing of PPPs relies largely on government subsidies, transferring funding from the public to the private sector. This situation in turn has resulted in the establishment of a plethora of microfinance providers, impact investors, and development finance institutions joining into the edu-solutions market in the hopes of bringing additional private capital (at high interest rates) to local private education providers.

As previously mentioned, much of this philanthropic engagement has been in conjunction with other non-state private actors or through PPPs, particularly in relation to efforts aimed at universalizing education beyond basic levels (Fengler and Kharas, 2010; Srivastava and Oh, 2010). Srivastava (2016) provides an extensive overview of several foundations and corporate philanthropy in education operating across India. She noted significant differences among them with, for example, organizations like the Azim Premji Foundation, a relatively new player, alongside older more established organizations like the Sir Ratan Tata Trust. In addition, domestic foundations were operating alongside international ones (e.g., Hewlett, MasterCard) with different regulatory and reporting requirements. Some operate as funders seeing a return on their investments, while others operate in the traditional mode of a charitable trust.

Corporate philanthropic-type activities have also been spurred by the government's new Companies Act 2013 which mandates corporate expenditures of 2 per cent on corporate social responsibility (CSR) activities for companies above a certain income threshold (Government of India, 2013). According to findings from Ernst & Young, the CSR covers about 2,500 companies and has generated

US\$2 billion in funds (Government of India, 2013). There are numerous other international actors with significant interest in promoting private sector approaches in education. For instance, data from the US-based Foundation Center reveals that India ranked sixth in receiving grants from the top 1,000 US private foundations, having attracted over US\$831 million between 2001 and 2011 (Government of India, 2013). The big picture setting within which the growing ‘philanthro-capitalism’ that is emerging can be traced through the links and connections between corporations, venture capitalists, private foundations and, increasingly, governments. Extending on Ball (2008) and Olmedo’s (2013) conceptualization of ‘philanthropic governance’, Srivastava (2016: 8) suggests:

The primacy of market-based solutions in education espoused by the new global philanthropy (e.g. competition, choice and narrowly defined assessment metrics) and the simultaneous use of complex multi-stakeholder partnerships and PPPs, open up and create formal and non-formal spaces for constellations of philanthropic and other non-state private actors. These fundamentally alter education governance by surreptitiously embedding forms of privatization in education systems, though this may not be the intention of all actors involved.

As elaborated in more detail in our report, Hyderabad’s new pro-privatization education policy networks are ‘facilitated by international and multilateral agency discourse and a broader discourse of the knowledge economy and the “global Silicon Valley,” often promoted as pathways to “quick” economic development’ (Educational International, 2016; Srivastava, 2013: 9; see also Biao, 2006; Kamat, Hussain and Mathew, 2004). This ideology is based on the ‘magic of the market’ and increasingly influences the current global policy landscape (driven primarily by US and UK companies and interests). In the education sector, this has led to the prioritization of narrow technical solutions for education, including decontextualized and impetuous policy borrowing as well as the transfer of a limited set of policy options.

Private-sector providers operate through spreading and advancing market ideology in education by incentivizing investment funds, providing corporate training camps on market modelling and large-scale financing, and various crowd-sourcing and edu-preneur meet-up exhibitions (Education International, 2016). Many of the

edu-preneurs we spoke to referred to this as developing an ‘ecosystem’ that facilitates networks and connections between investors, entrepreneurs, a relatively cheap tech-savvy labour force, a low-paid teaching force, and the LFPS, all in close proximity with one another. This ideology is fostered through powerful rhetoric and promises, such as the opportunity to participate in leadership development institutes and crowd sourcing/fundraising events. As part of this discourse, local school proprietors are renamed ‘edu-preneurs’ creating knowledge solutions, developing educational ecosystems, offering customized/personalized or individualized learning environments, advocates of parental choice/vouchers, or pioneers uncovering hidden markets.

In this ‘ecosystem’, global actors coordinate and cooperate with one another to maximize their investment portfolios while deepening competition among local edu-preneurs who rival with one another to develop the most marketable product or service. The presence of an information technology industry and the willingness of government to pay for products and services has been an essential part of the business model being pursued. Replicating a ‘start-up’ business model, edu-businesses appear intent to test and incubate new products and services, develop new models of for-profit schools, and market new products and services, charging high interest loans and start-up funds for franchises.

On the contrary, our research findings discuss the teaching and learning conditions in LFPS, issues of increasing inequalities based on gender discrimination and social exclusion, and the de-professionalization of teachers as a result of privatization. Related studies of low-fee private schools elsewhere suggest similar findings. For example, Bridge International Academies has come under heavy criticism in Uganda and Kenya for its scripted curriculum and dependence on untrained teachers.

PRIVATIZATION UNDERMINES THE RIGHT TO EDUCATION

In the context of the many challenges that confront public education systems globally, the increasing commercialisation and privatisation in and of education represent the greatest threat to education as a public good and to equality in education access and outcomes. (See Education

International's Global Response Against the Commercialization of Education, 2015 for an overview of the argument.)¹⁶

Privatization in and of education runs counter to the goal of human rights-based, inclusive education. Already marginalized and vulnerable groups, including women and girls, are more disadvantaged by private education provision because they are the least likely to be able to pay for services.¹⁷ Elsewhere we have argued that the growth of LFPS is directly related to the government's failure to meet its constitutional responsibilities and its obligations under the RTE Act as well as its international obligations to provide free quality education as a fundamental human right. It is therefore an urgent priority that the governments at the state and federal levels reinvest in public education and support all schools to deliver quality education.

Our study of the private education sector in India revealed a complex well-networked assemblage of global actors that are invested in the business of privatization of education, and who stand to make a considerable profit from it. In addition to the two actors who launched LFPS in India, James Tooley and the global corporation Pearson, other actors and institutions are involved.¹⁸ We critically assessed these multinational actors' claims to make schooling for the poor profitable while simultaneously promising quality education. We demonstrated that the schools have been unprofitable despite the expectations of companies, and they have also failed to deliver anything close to quality education.

Contrary to supporters' claims, we found that low-fee private schools operate with untrained and unqualified teachers who are paid subsistence wages in an environment that has no accountability. There is growing alarm that LFPS are eroding the employment

¹⁶ Retrieved from <https://www.unite4education.org/about/a-global-response-to-education-commercialisation/> on 20 May 2018.

¹⁷ Right to Education Discussion Forum, 'Privatisation and its Impact on the Right to Education for Women and Girls', written submission to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), 7 July 2014.

¹⁸ Some of the other players are World Bank, Global Partnerships for Education, the Global Business Coalition for Education, the Business Back Education campaign, and the Centre for Educational Innovations. A more recent phenomenon over the last ten years or so is homegrown private foundations in education with large endowments such as APF, Naam Foundation, and Nandi Foundation.

protections and training requirements for teachers (Azam and Kingdon, 2013). Classrooms and overall facilities of the 12 schools we visited in Hyderabad were extremely crowded with about 40 students in a 4x4m room with little or no ventilation. Most buildings were not built to house several hundred (and often up to 1,000 students) so toilets were inadequate, compounding the heavy odours in the hot, airless and overcrowded classrooms. Minimizing costs and maximizing efficiency means that, to keep enrolment at target rates, every space was used for classrooms, leaving no space for laboratories, gyms or libraries. Open areas for play and sports were virtually non-existent, which all schools are required to have under the RTE legislation. Teachers met and had lunch in small and cramped staff rooms (if available). The key cost-saving factor that sets low-cost private schools apart from public schools is their practice of hiring untrained teachers, almost all of whom are women. This practice allowed the schools to keep fees low and hire a larger number of teachers. LFPS teacher salaries are about US\$54 per month with no pension or benefits, less than one-quarter of public schools teachers' salaries.¹⁹ Only 14 per cent of teachers have post-graduate qualifications and rote learning is prevalent. This is contrary to the claims of advocates of LFPS that teaching is better – more innovative and interactive, and who equate the use of technology with independent work and problem solving. Yet what we observed in these schools was rote and didactic learning read from a script or tablet.

One of the most distinguishing characteristics of the LFPS is big differences in teachers' wages between government and low-cost private schools. The precarious and vulnerable positioning of casualized and low-waged work for a predominantly female teaching

¹⁹ Availability of teachers in schools is an important variable for quality education. In 2011, there were about 6.7 million teachers engaged in teaching in schools imparting elementary education in the country. All the schools in the country now have an average of three or more teachers. The percentage of teachers in Government schools was 64.13 per cent in 2011–2012 as compared to 65.55 in 2010–2011, making the total of teachers in Government schools over 430,000. The percentage of teachers in government-aided schools is 8.06, showing a decline since 2006–2007, when it was 11.25 per cent. The total number of private teachers in India is above 200,000 while the total number of teachers in madrassas is over 180,000. The total number of primary school teachers is over 250,000 (Center for Education Innovations, 2015. *Results for Development Report*. Retrieved from: educationinnovations.org).

force constitutes gender discrimination. Female private school teachers are expected to only supplement the household income and their tenure is seen to be temporary because of possible migration after marriage or resignation following pregnancy or childbirth. LFPS are plagued with constant teacher turnover, and demands and measures for quality underscore the need for more training and support in content and teaching methods for this revolving door of teachers. The edu-solutions market in India does offer online teacher training so young women can be trained and tested, but in their own time.

Moreover, the professional autonomy and rights of teachers, as well as the local control of communities over their schools, has been undercut by the shift in authority to private, corporate, and global actors. Similarly, it is reasonable to question whether the shift in accountability structures away from democratic modes to corporate/consumer arrangements reshapes the orientation of education as a public good. That is, corporations are legally accountable primarily to their stockholders and must work first and foremost to create returns for those investors, which are not necessarily aligned with those of the customers, that is, the students, their families, or their communities.

Education can and should play an essential role in addressing structural and systemic inequality. It is the foundation on which poor, marginalized or vulnerable groups are able to realize their rights and aspirations and participate meaningfully in a democracy. However, the increasing reliance on private provision to fulfill the right to education creates a cycle wherein the poorest and most marginalized have diminishing access to quality education.²⁰ Moreover, the commercialization and marketization of education by global finance directly contradicts the provision of education as a human right. To achieve the promise of universal quality education, states must provide quality accessible, free public schooling so parents aren't forced to choose between their daughters or sons, or choose whether to feed their families or pay for school. Rather than attempting to transfer or deflect their responsibility to private providers, states must take the opposite approach and meet their

²⁰ Center for Education Innovations, 2015. *Results for Development Report*. Retrieved from: educationinnovations.org, p. 11.

obligations to fulfill and provide free quality education that is available and accessible to all.

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8. From low-cost to low-fee: BRAC's transition to a for-profit private school model in Bangladesh

Emily Richardson

INTRODUCTION

Globally, private provision of education grew by 58 percent between 1991 and 2014. Although private sector involvement in education is not new, what is new is its manifestation (Macpherson, Robertson and Walford, 2014). From public-private partnerships and charter schools to large-scale franchises and private tutoring businesses, private actors are increasingly penetrating education systems all over the world. In low- and middle-income countries, a large portion of growth in the private education sector is due to the emergence of low-fee private schools that are accessible to the disadvantaged. By charging minimal fees and locating these schools in areas where public education provision is limited, low-fee private schools have emerged as a new and important player in education markets in low-income countries, such as India, Kenya, Nigeria and Uganda (Srivastava, 2013; Macpherson, Robertson and Walford, 2014).

Bangladesh has likewise witnessed rapid growth in its private education sector in recent decades. The majority of this growth has been within the low-fee private school (LFPS) sector, which now accounts for more than 25 percent of total school enrollment. Indeed, the number of private schools has multiplied almost three-fold in the last 15 years, and in certain districts, more than 60 percent of children are enrolled in LFPS (CAMPE, 2015). However, the reliability of data on these schools is questionable due to

the significant portion of LFPS that are unrecognized and unregistered by the government. As a result of such lax regulation, it is likely that the educational data is underestimating the number of LFPS (Mcloughlin, 2013; Dfid, 2013).

Indeed, registration, regulation and monitoring of non-state education providers are nearly non-existent in Bangladesh. As a result of ambiguous legislation, coupled with a lack of alignment and coordination between Ministry of Education departments and wings, a diversity of providers has entered the private education market in recent years. Individual “edupreneurs” and private school chains, as well as internationally affiliated missionaries have emerged as important players in the provision of primary education. No actor’s entry into the market is more surprising than that of BRAC, the largest non-governmental organization in Bangladesh, and the world. Widely known for its cost-effective and tailored approach to providing basic health, education and poverty-alleviating interventions, BRAC is considered a model NGO in low-income contexts. Dedicated “to empower people living in poverty” BRAC now works in 11 countries around the world (BRAC website), but its largest outreach is still in Bangladesh. However, in 2012, BRAC piloted a chain of LFPS, which operate entirely on the fees they collect and remain distinct from BRAC’s reputable non-formal primary schools that provide (free) educational opportunities for the most marginalized. Today, BRAC oversees a franchise of thousands of fee-charging private schools.

This chapter presents an excerpt from a larger study on the low-fee private school sector and educational quality in Bangladesh. Findings from this study’s sector mapping revealed that BRAC has recently been shifting its low-cost approach to educational provision for disadvantaged children to a low-fee private school model that no longer reaches low-income families. Using primary data collected through semi-structured interviews with 25 key education stakeholders and policy document analyses, this chapter highlights evidence of BRAC’s entry into the private education sector, its plans for expansion in the coming years, and policymakers’ perceptions of this phenomenon. This chapter begins with a brief overview of the structure and expansion of the low-fee private education sector in Bangladesh. Next, this chapter examines BRAC’s perspective on its position in the private education space. Finally, this chapter addresses the implications of a global NGO’s role in

operating and overseeing (low-fee) private schools that may no longer reach its disadvantaged beneficiaries.

METHODOLOGY

As there is limited data on low-fee private schools, and no current legal frameworks overseeing the registration and regulation of the sector, I sought to collect such information, as well as perceptions on the growth, demand, and quality of LFPS in Bangladesh from key policymakers and education administrators. Specifically, I sampled 25 politically important individuals (Creswell, 2007) who currently work or formally worked at the Ministry of Education departments, local education offices, and government-affiliated bodies, various actors involved in the delivery of or management of LFPS, or stakeholders who have been engaged in research or dialogue on the LFPS sector in Bangladesh. The participants comprise a representative sample of different actors involved in all aspects of the LFPS sector. Likewise, participants represent a range of designations, from education officers up to senior-level policymakers, but participants' specific designations were excluded from analyses for confidentiality purposes. Table 8.1 presents the list and count of national- and district-level participants by office.

Several key documents also emerged during the data collection process. Specifically, government and non-government strategy reports, that were not available online at the time of this study, were shared with me, along with consent to use them in my study. Policy documents can offer information that may not be covered during an interview, and "tell the formal story of what an organization or government plans and attempts to do" (Gibton, 2016: 63). Indeed, the documents included in this analysis provided important supplementary data and information on the LFPS sector in Bangladesh, and particularly, the engagement of several actors.

Table 8.1 National and district level participants, by count and code

Stakeholder	Number	Interviewee Code
Government		
District-Level Education Officers		
Directorate-Primary Education (DPE)		
Ministry of Mass Primary Education (MoPME)	10	MoE
National Academy for Primary Education (NAPE)		
Academic/Research Institutions		
University		
Professors/Researchers/Practitioners	4	Researcher
Professors/Education Researchers		
BRAC-Affiliated Organizations		
BRAC Education Programs		
BRAC University, Institute for Education Development	5	BRAC
Local or International Non-Governmental Organizations		
Campaign for Popular Education (CAMPE)		
Former government officials now working for international NGOs on education development projects	6	NGO
TOTAL	25	

A DIVERSE PRIMARY EDUCATION SYSTEM

With one of the biggest and most diverse education systems in the world, Bangladesh has between 12 and 24 different types of primary schools alone, depending on how they are categorized. Broadly, there are three categories of schools, which include government-funded primary schools, fee-free NGO/private schools, and fee-charging private schools (CAMPE, 2015). Within each of these categories are several types of schools (see Table 8.2).

Table 8.2 Types of primary schools in Bangladesh

Government (free)	NGO/Religious (free)	Private (fee)
Government primary schools (GPS)	NGO schools	Kindergartens
Registered non-government primary schools	Community schools	Christian missionary schools
Newly nationalized primary schools	BRAC primary schools	High school attached primary schools
Experimental schools	Reaching Out of School Children Project schools	High-fee private schools
	Non-registered NGO schools	
		Madrassas ¹

Source: DfID (2013); CAMPE (2015).

LOW-FEE PRIVATE SCHOOLS

Low-fee private schools form a distinct category of private schooling—one that has quickly emerged as the most common form of private education in Bangladesh. The LFPS sector itself is quite heterogeneous with many different types, fee-levels, locations, language, and ownership models as the broader private education sector. To date, there is no standardized or universally agreed upon definition of low-fee private schools in the literature (Srivastava, 2013). However, a number of researchers (Macpherson, Robertson and Walford, 2014; Srivastava, 2013; McLoughlin, 2013) have classified LFPS according to specific characteristics in order to distinguish this type of school from other types of non-governmental education providers. In this study I delimit “low-fee” private schools to those that charge less than 600 Taka (\$8 USD) per month, which is equivalent to the wage of a daily laborer, and are owned and operated by a non-state actor, such as an entrepreneur or retired educationist. Also, it is important to note that

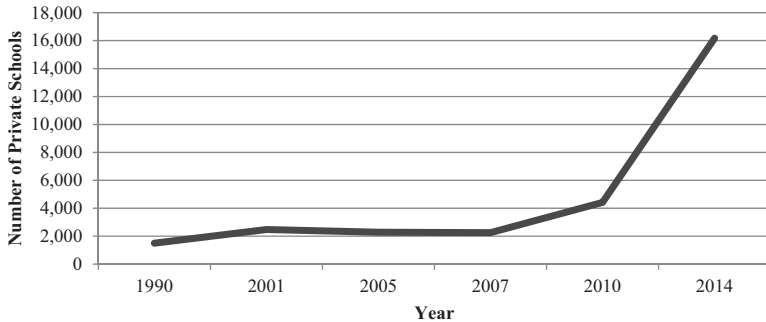
¹ Islamic primary school that teaches Arabic and the Qur’an; these can be both free and fee-charging.

“fees” are considered only monthly-based tuition costs, and exclude books, uniforms, transportation and other expenditures.

The number of LFPSs in Bangladesh has grown rapidly, and between 2007 and 2011, there was a 450 percent increase (DfID, 2013). Since 2007, only 12 new GPSs have been established. At present, there are over 15,000 kindergartens, the most common type of low-fee private *primary* school in Bangladesh. In the context of Bangladesh, kindergartens are not pre-primary schools but are a type of low-fee private *primary* school. There is no official explanation for why they are called ‘kindergartens’, other than they may have started as pre-primary schools and owners took advantage of the lack of regulation of private schools and added additional primary grades. Since 2007, the number of teachers in LFPS has increased fivefold, from 20,874 to 98,119 (DfID, 2013).

Low-fee private schools are the fastest growing category of schools, especially in urban areas. In Dhaka, low-fee private schools comprise more than half of the total schools (DfID, 2013). Likely as a result of increasing migration from urban areas and congestion in GPSs, more low-fee private schools (kindergartens) are opening each year, all over the city, including slums. In fact, approximately 12 percent of children in Dhaka slums are attending low-fee private schools (Cameron, 2011). Given the widespread inequality in Dhaka City, and the largest proportion of residents living slums, it is clear that private schools are no longer catering to the wealthiest quintile. Figure 8.1 presents the growth in the private education sector between 1990 and 2014.

National policies regarding private education provision have historically been relatively lax. In Bangladesh, the *Regulation of Private Education Ordinance, 1962* has not been updated, nor enforced in recent decades. In 2010, the Ministry of Education delivered its new *National Education Policy, 2010* in which it reiterates its constitutional mandate that the state is solely responsible for the management of primary education. However, it simultaneously stipulates that NGOs and individuals can operate schools, with approval (MoE, 2010). Specifically, the National Education Policy states:



Source: CAMPE (2015).

Figure 8.1 Number of private kindergartens (primary schools) in Bangladesh, 1990–2014

The responsibility of primary education cannot be delegated to private or NGO sectors. Any individual or any NGO willing to run primary education institutions must seek permission of the respective authority in compliance with rules and regulations of the State. (MoE, 2010: 6)

Yet, there is no authority that grants permission, at present. Thus, as a result of the outdated regulatory ordinance, coupled with an ambiguous current national education policy, there has been and continues to be a proliferation of private, fee-charging primary schools that are operating without regulation or formal quality assurance. Much like before, there is little coordination between the government and local NGOs, as well as the private sector. Thus, there continues to be a surge in private, for-profit primary schools as well as providers in Bangladesh.

BRAC'S LOW-FEE PRIVATE SCHOOL FRANCHISE

The newest player to enter the low-fee private education market in Bangladesh is BRAC, the world's largest non-governmental organization. Founded in 1972, shortly after independence, BRAC (formerly Bangladesh Rural Advancement Committee) was initiated as a small-scale relief and rehabilitation project to support war refugees as they returned from the Bangladesh Liberation War (Srivastava, 2010). Over the next several decades, BRAC expanded

its programs to micro-credit and social enterprises, health, and education. Dedicated “to empower people living in poverty” BRAC now works in 11 countries around the world (BRAC website), but its largest outreach is still in Bangladesh.

Today, BRAC operates a banking franchise, a micro-credit enterprise, a university and institute for research, grocery and handicraft shops, health and sanitation programs, hospitals, community development projects, legal aid services, and of course, schools, all over the country. BRAC has essentially become “a shadow government within Bangladesh” (Cronin, 2008: 5). BRAC’s education program in Bangladesh has run over 33,000 non-formal pre-primary and primary schools across the country, typically in rural districts and villages, although it currently operates approximately 15,000. With its own category of schools in the EMIS database, known as BRAC Primary Schools (BPS), BRAC’s schools “are designed to give a second chance at learning to disadvantaged children left out of the formal education system due to extreme poverty, violence, displacement, or discrimination” (BRAC website).

Historically, BRAC’s primary schools have been funded entirely by international donors, with no government financial support. Operating one-room, single-grade, single-teacher non-formal primary schools, BRAC targets the most vulnerable, marginalized, or excluded children and provides them with free education. At least 65 percent of students are girls and 100 percent of BPS teachers are women, hired locally to teach in their own communities. BPS teachers typically have no formal teacher training, though BRAC provides a two-week practice-based training for teachers before they begin, and then ongoing refresher courses at various times throughout the academic year. Teachers are paid around 1,500 Taka (USD \$20) monthly, which is significantly less than their government school counterparts who earn at least 10,500 Taka per month (USD \$130). BRAC also prioritizes accountability by having its officers and volunteers visit each school at least once a month and supporting school-based parent–teacher committees to monitor the school’s daily activities (Sommers, 2013).

However, in the last four years, BRAC’s education model has changed significantly. In response to impressive economic growth and Bangladesh’s lower-middle income status, BRAC has recently been strategizing how it will remain an active education provider as donor funds decrease. In 2012, BRAC piloted a fee-charging model

in 60 primary schools and two secondary schools.² Named *Shishu Niketon*, these low-fee private primary schools are catering to the lower middle class, no longer “the bottom 10 or 20 percent of the population, but slightly, marginally better” (BRAC Interview, April 28, 2016). Another participant further explained the rationale for the *Shishu Niketon* approach:

Basically the main motive of *Shishu Niketon* was to cover the quality education. Because there are lots of kindergartens in Bangladesh you will find that, but there is a question always raised about quality. So BRAC is thinking to give some quality education and take some money from the family you know. Because you know the economic status is growing up in this country, so it’s been easy to pay for the education of their children. So *Shishu Niketon* is working on that motive. (BRAC Interview, April 24, 2016)

Thus, BRAC is currently creating a for-profit model as their funding is decreasing and “the situation demands to be self-sustainable” (BRAC Interview, April 24, 2016). Indeed, BRAC’s funding has decreased in recent years. Between 2014 and 2015, funding decreased by over \$33 million (BRAC, 2015). Moreover, as funding decreases and the number of BPSs likewise decreases, many BRAC’s teachers have lost their jobs. Another BRAC representative stated:

The whole initiative started really to give some employment opportunities to our teachers, who have been working for years, gaining experience, but due to government improved presence in those areas, we are reducing our involvement and moving into other sub areas. So some of the teachers who have been really doing extraordinarily well, we advised them that why don’t you try to take advantage of your good reputation and do something in the education ... we are very excited that they are having an alternative private opportunity, particularly with their good skills. (BRAC Interview, April 22, 2016)

Since its 20-school pilot in 2010, BRAC has now scaled to 7,390 *Shishu Niketon* schools all over Bangladesh. Similar to non-formal BPSs, *Shishu Niketon* schools are single room, single grade, one-teacher schools. They also follow a similar curriculum, which

² Nobodhara Secondary Schools, run by BRAC, are also for-profit schools. However, they are currently being phased out and were not included in this study.

offers a combination of the NCTB curriculum and books and supplementary BRAC-produced materials. There are 7,390 female teachers employed and nearly 210,000 children enrolled. Meanwhile, the number of BPSs has decreased to 15,000 and by 2018 there will be no BPSs, but there will be more than 15,000 *Shishu Niketon* schools. According to BRAC, by 2020, “all the people will have the ability to pay” (BRAC Interview, April 24, 2016).

In terms of fees, *Shishu Niketon* schools fall right into the range of “low-fee” private schools. Charging between 250 Taka and 500 Taka (USD \$3.50 to \$6.50) per month, depending on which grade the child is enrolled, *Shishu Niketon* schools offer the promise that parents will not need to pay any additional amount for after-school tutoring sessions, like parents with children enrolled in GPS or kindergartens typically do. Rather, BRAC ensures that the quality of *Shishu Niketon* schools will meet parents’ needs. However, in addition to monthly tuition fees, there are also fees for: annual admissions examination, and possibly uniforms, books, and extra-curriculars, although this again depends on grade, location and the school’s capacity. Though there is a waiver program for parents who cannot afford *Shishu Niketon* schools, it is usually only offered to one student per school.

BRAC has faced some challenges in its transition to a fee-based education model. First, parents oftentimes continue to associate BRAC with “free” schools for disadvantaged children. As such, in certain areas, parents have not grasped the fee system and BRAC has had to follow up with parents one-on-one to collect monthly fees. Several education officials expressed their concern over this matter, as it appears that BRAC is “riding on its good name” (NGO Interview, April 12, 2016). Second, BRAC’s funding stream intends to rely entirely on the fees collected from each school. The fees will be used to pay for school facilities and furniture, teachers’ salaries, and program costs for monitoring, teacher training, and operating the schools. At present, however, BRAC’s *Shishu Niketon* schools are not yet self-sustainable. BRAC has contributed funds for capital costs, particularly for furniture, teaching and learning materials, and teacher training. BRAC believes it will be fully self-sustainable by its fifth year, in 2018. Third, BRAC is still in the “learning stage” and is evaluating its position in the market (BRAC Interview, April 28, 2016). Thus far, BRAC has realized it is better equipped to operate in semi-urban districts as opposed to urban cities, like

Dhaka, where there is already a thriving market of kindergartens, madrassas, private schools, and missionary schools.

In Spring 2016, BRAC commissioned Pearson Education, a British-owned education publishing and assessment corporation, to conduct a market analysis and develop a business model that can be used to expand *Shishu Niketon* schools into a nationwide franchise of low-fee private schools. *Future BRAC Schools as a Social Enterprise: A Strategy and Business Plan for BRAC Education*, draws on lessons learned from “leading low-cost private school chains” like Bridge International Academies in Kenya and Uganda and APEC Schools in Asia and offers a strategy and value proposition for BRAC Education (Centenera, 2016: 17). Specifically, Pearson recommends the following tactics:

1. **Pricing:** Carefully assess ability to pay (not willingness), and price initially toward the high end. Willingness to pay should be disregarded, as it will be affected by the existing provision of MPO [monthly pay-out] schools, which are extremely low cost and consequently generally low quality. Moreover, a high price point communicates high quality to the market ... Finally, higher fees and therefore greater investment in the quality of education will attract wealthier students, which will help build a positive reputation in the community. To serve poorer students, BRAC can always use financial aid models as used by American Universities.
2. **Marketing:** Create a new brand distinct from BRAC, which evokes feelings of quality and excellence. The BRAC brand currently connotes very basic free education to the market. There is a positive association with strong teaching, so that should be retained. Therefore, the brand can have connections to BRAC, but it must strongly emphasize quality itself.
3. **Location:** The ideal regions are likely to be small urban centers and semi-urban regions as this is where facilities will be more affordable and easier to find, whilst still being near a population with disposable income and propensity to pay for education.
4. **Facilities:** Many parents use facilities as their main proxy for determining the quality of a school, therefore unlike BRAC free primary schools, these fee-based schools must deliver a minimum expected level of facilities and also impress parents.

To impress parents, sites must appear attractive from the outside, which will require a neatly painted exterior, clear signage, and basic gardening and landscaping. It is not recommended that a significant amount be invested in facilities as it does not translate into better learning, but this minimum level will be required. (Centenera, 2016: 20–23)

There were several additional recommendations outlined in the business plan, including tests, books, accreditation, uniforms, teachers' pedagogical skills and content of lessons. Moreover, the business plan also outlines ways to minimize costs and scale more quickly and consistently. It is clear that BRAC is intending to shift even further away from its mission to empower the disadvantaged, particularly in rural villages, and work more closely with "wealthier students" in semi-urban and urban centers, on the motive of parents' "ability to pay, not willingness" (Centenera, 2016: 20). Thus, its role in the "low-fee" private education sector may be short-lived if BRAC intends to move forward with Pearson's proposed business strategy and target a wealthier segment of the population.

During follow-up interviews, BRAC participants assured that they plan to target as "close to disadvantaged" a population as possible (BRAC Interview, August 3, 2016). In addition, BRAC recognizes that Pearson takes a more business-focused approach, whereas BRAC plans to operate *Shishu Niketon* schools as a social enterprise model, although it aspires to have a "marginal profit" for emergencies and increasing teachers' salaries (BRAC Interview, July 31, 2016). At present, BRAC has not engaged in a formal partnership with Pearson, and is unsure if or when this partnership will be realized. Rather, BRAC hired Pearson for "pro-bono consulting for a market analysis" of its education programs and *Shishu Niketon* model.

Overall, the majority of stakeholders interviewed in this study were unaware of BRAC's new fee-charging model, or its intention to develop a nationwide franchise. Whether this is intentional or not is unclear. The World Bank published a report in late 2016, entitled *Bangladesh Engaging the Private Sector in Education*. Using its Systems Approach for Better Education Results (SABER) methodology, the World Bank claimed to have conducted an up-to-date thorough analysis of the private education sector in Bangladesh.

However, they categorize BRAC schools as private NGO schools, aimed at “educating out-of-school children, including students who have dropped out” (World Bank, 2016: 10). As such, it is clear that the World Bank, as well as most other stakeholders are entirely unaware or intentionally not addressing the fact that BRAC is shedding its free NGO school model in lieu of a fee-charging private school franchise.

While these schools only initiated in 2012, it is true that they have maintained a low-key position in the sector. As this year BRAC has its first cohort of Grade 5 students, it will be the first time *Shishu Niketon* schools participate in the National Student Assessment. Though, to date, it is unclear whether *Shishu Niketon* schools are accounted for and where they fit in the EMIS database. They do not yet have their own category, nor is the name *Shishu Niketon* included in any government documents or data. In addition, there is only one small study available publicly on *Shishu Niketon* schools—a small mixed-method comparative study of kindergartens and *Shishu Niketon* schools. However, this study was conducted by BRAC Education itself, and was written as a report instead of an academic article, and is presumably biased toward *Shishu Niketon* schools. When asked why there is not more data, information, or awareness of *Shishu Niketon* schools, locally or globally, participants explained that it is “still too early to share” as this has been a pilot initiative (BRAC Interview, April 28, 2016).

Nevertheless, a few participants were aware of BRAC’s new fee-charging primary school model. One former government official expressed concern that BRAC is running a parallel education system, and taking a business approach to basic education delivery. Another participant explained:

We expressed a little bit of reservation when they [BRAC] shared it. We said that don’t mix it up with BRAC’s philanthropic image. Don’t mix it up with BRAC’s anti-poverty stem. Don’t give us the impression that you are likewise going for some commercial ... Demand has been created, BRAC is trying to fill it. But, we said, BRAC is a brand name. Don’t try to use it. We warned them it will give the wrong signal, not only to the outside world, but also to other NGOs in Bangladesh ... We even told them, give it a separate name. Don’t use “BRAC”. (NGO Interview, April 12, 2016)

A former policymaker also commented that BRAC was one of the leading agencies to push the state to take responsibility for education and that education should be free. This participant added, "So when NGOs like BRAC are taking this step, can you imagine in Bangladesh, we have 12,000 NGOs, if they started the same thing?" (NGO Interview, July 24, 2016). Thus, several education stakeholders have reservations toward BRAC's entry into the low-fee private school market in Bangladesh.

CONCLUSION

LFPS are in demand. While estimates vary, there are at least 16,000, and possibly over 70,000 unregistered kindergartens (LFPS) and BRAC *Shishu Niketon* schools all over the country (MoE Interview 104; Billah, August 19, 2016). Moreover, new players, including BRAC, have entered the private education market, adding up to 15,000 more LFPS in Bangladesh. However, there may be important implications to such rapid expansion, particularly BRAC's entry and expansion into the low-fee private school market.

First, as BRAC shifts from a low-cost service provider for the marginalized to a low-fee private educational provider for only those who can afford it, undoubtedly BRAC's beneficiaries will be impacted. As highlighted earlier, until recently BRAC's educational programs targeted mostly (65 percent) girls and employed only female teachers. However, according to several interviews, majority seats will no longer be reserved for girls in *Shishu Niketon* schools, nor will all teaching posts be allocated to females. As such, female students, and teachers, will likely have fewer educational and employment opportunities in BRAC's educational programs.

Second, BRAC's new model will also impact its previous beneficiaries, farmers' children who were predominantly from rural communities. In the new *Shishu Niketon* schools, an average of one seat per school will be reserved for a child who cannot afford the fees and related costs, in contrast to the 30 seats per school (out of 30 total seats) that went to disadvantaged families in BRAC's traditional primary schools. Unless these parents can come up with the funds to keep their children enrolled, these children will no

longer be able to attend BRAC primary schools, or any primary school, in particularly rural areas.

Third, little is known about the quality of *Shishu Niketon* schools, as they have yet to participate in any official databases or national student assessments. Moreover, the government is seemingly unaware that BRAC has shifted its model, which begs the question as to whether BRAC wants its new model to be fully publicized, or whether it is in competition with not only other low-fee private schools, but GPSs as well. Also, as BRAC's *Shishu Niketon* schools are currently targeting the same beneficiaries (although it plans to target wealthier communities in the near future), these same beneficiaries—children of disadvantaged and uneducated parents—may lack awareness of what constitutes a quality education. In turn, these schools can continue to provide sub-quality education, as parents seemingly do not know what better quality look likes. Fennell (2013: 79) explained:

The lower level of perception among parents who did not have prior experience of low-fee private schools will likely result in a delay to activate exit and/or voice, limiting the pressure on new providers (hustlers or otherwise) to immediately improve in the short run.

Indeed, until parents have the necessary knowledge about what quality looks like, they will likely not be able to use their voice and demand a high-quality education. Parents continue to demand an alternate provision of education, based on limited knowledge and awareness of the inputs, environment and processes, and holistic outcomes of a quality education. But, unless parents become better informed and change their expectations, schools and policies will continue to emphasize a narrow interpretation of quality as student achievement on exams. Likewise, when the government does not monitor these LFPSSs, or in the case of BRAC *Shishu Niketon* schools, does not even realize that BRAC has changed its model, schools continue to comply with the quality expectations that were put in place. As a result, while students may complete their primary education and move on to secondary education, they may not carry with them the necessary analytical-thinking, problem-solving, creativity and interpersonal social skills to succeed in higher education, the workforce, and society.

Finally, and perhaps most importantly, BRAC, which has been a long-time model NGO in Bangladesh, is potentially setting what may become a trend of non-profits becoming for-profits. Evidenced by its long history, BRAC is indeed a principal institution in Bangladesh as its programs and services have diffused into all sectors. While BRAC is widely viewed as a “shadow government” in Bangladesh, both for its size and scope, it likewise has a strong reputation outside of the country. In 2016, BRAC was considered the world’s largest NGO (NGO Advisor, June 20, 2016). Ostensibly, other NGOs, both in Bangladesh and abroad, look to BRAC as a role model. Thus, as highlighted earlier, there is a risk that other NGOs may follow suit, and decide to move towards a for-profit service delivery model, under the guise of its reputable NGO status. If this happens, what will become of the NGOs’ targeted beneficiaries, who are typically those most in need? In sum, BRAC is changing the game in educational provision in Bangladesh and, possibly setting an example for BRAC’s work in other countries and/or other NGOs to do the same.

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9. Death by a thousand cuts: privatizing public education in the USA

Joanne Barkan

When market-driven reformers in the United States look at public education, they see two separate activities—the government funds education and the government runs schools. The first is okay with them; the second is not. Reformers want to replace their *bête noir*—the “monopoly of government-run schools”—with freedom of choice in a competitive market filled with privately-run schools that get government subsidies (Brouillette, 2001). Public funding, private management—the four words sum up American-style privatization whether applied to airports, prisons, or education. In the last twenty years, the “ed-reform” movement has assembled a mixed bag of players and policies, complicated by alliances of convenience and half-hidden agendas. Donald Trump’s election, his choice of zealot privatizer Betsy DeVos as US Secretary of Education, and the prospect of more funding from them have energized the movement but also made more Americans wary. What follows is a survey of the controversial movement—where it came from, how it operates, and what it has delivered so far to a nation deeply divided by race and class.

SHIFTING VISIONS OF EDUCATION IN A DEMOCRACY

In the second half of the nineteenth century, consensus grew around an expansive vision of education in which government would play a far-reaching role: schooling should be government funded and

administered, universal, and compulsory until a certain age. In a nation that was increasingly industrialized and home to new immigrants, citizens expected public schools to accomplish a great deal, including imparting general knowledge and practical skills, preparing young people psychologically and socially for self-sufficient adult lives, educating for democratic citizenship, unifying a diverse population, and creating opportunity for upward mobility. In time, most Americans came to regard public education as a mainstay of democracy.

The US Constitution makes no mention of education, and so the federal (national) government historically had no specified role to play. Since the earliest days of the republic, local and state authorities shaped elementary and secondary (K-12) public education. Racial segregation in schools—absolute in seventeen states and the norm almost everywhere else—was also a local and state matter. This did not change until 1954 when the US Supreme Court ruled that racially segregated public schools were “inherently unequal” and therefore unconstitutional (*Brown v. Board of Education of Topeka*). When the federal government stepped in to enforce school desegregation, it met with fierce resistance. After several years of minimal progress, federal authorities resorted to court-ordered desegregation plans, which they imposed on school districts across the country, not only in the South. For the first time, the federal government had assumed a significant role. In the mid-1960s and 1970s, the federal role expanded to include protecting the civil rights of students and offering financial assistance to K-12 public schools with high percentages of low-income students (Patterson, 2001).

In the 1980s, the political climate shifted. An international renaissance of laissez-faire economics, updated as “neoliberalism,” challenged the dominant Keynesian model of regulated markets (Vincent, 2010). Governments around the world began to act on a suite of neoliberal principles: competition and choice in the free market are the best organizing principles for almost all human activity because they produce greater efficiency and higher quality; the role of government is to provide a framework that allows the market to function freely; most other government activity gums up the system. Ruling elites believed that implementing these principles would solve inflation problems, stagnation, unemployment, low productivity, and whatever else was going wrong in an

economy. Neoliberalism led logically to specific policies: cut taxes and government spending, deregulate the economy, and transfer as much government activity as possible to the private sector, including education. And if government funding is necessary to get something done, turn management over to the private sector.

The ideological shift to neoliberalism was rapid and widespread. This was the age of Britain's Margaret Thatcher and the US's Ronald Reagan—two world leaders who aimed to revolutionize economic policy at home and abroad. Governments around the world embraced austerity, deregulation, and privatization. Consider, for example, some major nationalized industries that were privatized in the 1980s: British Telecommunications (1984), Spain's car manufacturer, SEAT (1986), New Zealand Steel (1987), Japanese National Railways (1987), Air Canada (1988), to name just a few.

One of neoliberalism's major thinkers and its most successful popularizer was economist Milton Friedman, who advised Republican candidate Reagan during the 1980 presidential campaign and joined his Economic Policy Advisory Board in 1981. On education policy, Friedman never deviated from the model he presented in his 1955 essay, "The Role of Government in Education." He proposed that government get out of the business of running schools altogether. Instead it should fund a voucher worth the same amount of money for every school-age child to use at his or her choice of private school. For Friedman, the choices would include private for-profit schools, private non-profit schools, religious schools, and "some even" run by the government. A democratic society, he reasoned, requires "a minimum degree of literacy and knowledge on the part of most citizens." Hence government has a legitimate interest in requiring and paying for what the community decides will be the "minimum amount of education." But government running schools is not "justifiable in its own right in a predominantly free enterprise society" (Friedman, 1955).

In this marketized system, competition will, theoretically, eliminate low-performing schools because they will not attract enough customers to stay in business. In the real world, the poor buy necessities at a price they can afford even if the quality is inferior. This is why the free market has always failed to meet the real needs of low-income people; they get what they can pay for. In a school voucher system, wealthy families can (and will) add as much money as they want to their vouchers to pay for their choice of

schools; middle-income families will pull together whatever resources they can for the best schools in their price range. Low-income families without additional resources will “choose” schools charging only the value of the voucher. Almost no higher quality schools will be available because they will have no incentive except altruism to offer their products at the minimum price.¹ As a last resort, low-income families can enroll their children in a “government school.” For free-market ideologues, government schools are always a last resort and available to the poor.

Backtracking for a moment, many Southern states anticipated the 1954 *Brown* school desegregation decision and prepared policies to evade racial integration. Between 1954 and 1959, eight states adopted what were whites-only versions of Friedman’s voucher system (Murphy, 1958). They used public funds to pay for white students to attend all-white private schools, which were called “freedom of choice schools” or “segregation academies.” States also leased unused public school property to private schools. Shortly before publication of his 1955 essay, Friedman added a footnote to address the segregationist versions of “essentially this [i.e. his own] proposal.” He argued that both forced segregation and “forced non-segregation” were evil. His solution for the South and everywhere else was publicly funded vouchers used for “exclusively white schools, exclusively colored schools, and mixed schools. Parents can choose which to send their children to” (Friedman, 1955). Friedman’s essay prefigures the indifference of today’s market-driven reformers to racial segregation in education as long as the tradeoff is private schools. The essay still functions as their touchstone (Tooley, 2014).

SOWING THE SEEDS OF MARKET-DRIVEN REFORM

Education policy advisors in Reagan’s administration hoped to wean Americans off “government schools” while also weakening the teachers’ unions, which were a significant source of power for

¹ In 2016–2017, the value of a government voucher for high school in Washington, DC was \$12,679; tuition at Washington’s elite private schools topped \$40,000 (Toch and Jordan, 2017).

the Democratic Party. Starting the weaning process required convincing Americans that public education was failing. In 1983 the administration released *A Nation at Risk*, a report aimed at generating support for radical reform. The rhetoric was hyperbolic: “the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people” (National Commission on Excellence in Education, 1983). Apocalyptic claims were backed up by what one researcher called “a golden treasury of spun statistics” (Bracey, 2008). The media hyped the report to the point of stoking a panic about failing schools. Politicians across the political spectrum called for higher standards, better test results, and greater performance accountability from public schools. Conservatives simultaneously aimed for deep spending cuts.

The sky-is-falling panic about public schools and the “standards and accountability” demands attracted bi-partisan support. Neo-liberal thinking had influence far beyond ideological devotees. It tinged political moderates, self-identified liberals, media people, and think-tank opinion makers. It permeated what became the dominant wing of the Democratic Party—the “New Democrats.” Their jargon included choice, competition, efficiency, and downsizing government; they often competed with Republicans for pro-market credibility (Palley, 2012).

In the 1990s, the growing push for tougher education standards, better test scores, and more accountability coincided with a declining commitment to racial desegregation. Public school integration, on the rise since the mid-1960s, peaked in 1988 when 43.5 percent of all black students attended schools that were at least 50 percent white (Orfield, 2001). Although research showed that integrated schools narrowed the achievement gap between minority and white students without harming the latter (Kirp, 2012), the dedication of most government officials to proactive desegregation had dissipated. Decisions of the US Supreme Court in 1991, 1992, and 1995 made it easier for school districts to abandon their court-ordered plans (Donald, 2013). Resegregation began immediately. In just ten years, the percentage of black students attending schools that were at least 50 percent white dropped to 32.7 percent (Orfield, 2001).

Highly segregated schools attended by low-income minority students were notoriously under-resourced compared to public

schools attended by white middle-class and wealthy students. Many schools in poor urban neighborhoods needed help. Moreover, although the achievement gap between minority and white students had been narrowing, it still existed. Most politicians professed a commitment to reducing racial inequality, but they acted within neoliberal constraints and with no interest in pushing integration further. Glorification of the market along with the vogue for standards and accountability suggested a new approach: government could commit to improving education for low-income minority students with market tools while leaving schools segregated (Orfield, 2001). The mainstream political world seemed to slide easily from the ostensible goal of integration to aiming for something like “separate but improved” for low-income minority children. Government would hold public schools to high standards, use data to determine how well they were doing, and help students in inadequate public schools move to better schools of their choice. The primary measure of school quality would be student scores on standardized tests despite the fact that most education scholars agreed the scores reveal little about education success. Thus the seeds of twenty-first-century market-driven reform were sown.

Neoliberal innovations in education policy took hold slowly. Reagan proposed several voucher-type programs, but they died in Congress. He did, however, cut the federal government’s portion of total public education spending from 12 percent to 6 percent (Clabaugh, 2004). The George H.W. Bush administration (1989–1993) produced no major education laws although some policy ideas were picked up by Bill Clinton (1993–2001). In 1994 Clinton signed the Improving America’s Schools Act, which provided federal funds to states to create a new type of school: publicly funded, privately operated “charter schools.” They would have more autonomy than district (traditional) public schools and, advocates claimed, be more innovative. The first charter school in the United States had opened in St. Paul, Minnesota, in 1992 under state law (Urahn, 1994). Clinton’s Improving America’s Schools Act was designed to motivate other states to create these schools and “to increase the number of charter schools nationwide” (US Department of Education, 2000). In 1999 Florida’s Governor Jeb Bush (the former president’s son) signed into law the nation’s first statewide voucher program (Kober, 2000). Still operating, the

Florida Opportunity Scholarship program allows students in “failing” public schools to use state funds to pay for private schools, including religious schools.

With charter schools and voucher programs, market-driven ed-reformers had the tools they needed. Both policies channel public funding for education to private entities but in different ways. When students receive a government-funded voucher for a set amount of money, they give the voucher to a private or religious school as payment or partial payment for tuition. All the tax-payer funds going to private and religious schools are funds no longer available for public education. In the charter school system, the private entities that run the schools receive an allotment of public funds for each student who enrolls. The money comes out of the budgets for district public schools. The public schools are left with the same fixed expenses but less money and fewer students. They almost inevitably deteriorate: a school that could previously afford a librarian, nurse, full maintenance staff, or smaller classes no longer has enough students to cover costs (Capital & Main, 2016).

Ed-reformers do not promote vouchers and charter schools to the public as strategies to privatize public education. Instead, they pitch their reforms as ways to create choice in K-12 education. Reformers claim that charter schools and vouchers do nothing more than give low-income students trapped in low-performing schools other choices; they also give all parents the power to choose the schools they know are best for their children (Brouillette, 2001). Who could object? Reformers have successfully made “choice” the subject of the policy debate. A candid description of vouchers and charter schools—for example, these policies drain public funds from public schools and channel the money to private entities, student by student, school by school—would not win much support (see the analysis of public support below). In addition, many centrist and liberal reformers do not have privatization as their goal. They focus on getting as many students as possible out of low-testing schools as quickly as possible. They practice a kind of triage without thinking through the consequences: by steadily draining resources from district public schools, they undermine the very schools that the vast majority of American children still attend. Moreover, in the crusade for choice, reformers have lost sight of the full role of public education in a democracy.

BUILDING A MOVEMENT FROM THE TOP DOWN

After the turn of the twenty-first century, market-driven reformers began attracting enough support and funding to build organizations and to operate like, or at least look like, a movement. By 2010 “reform-think” dominated the national conversation on K-12 education. But market-driven reform never became a grassroots movement. It attracted elites: billionaire philanthropists, private mega foundations, finance and high-tech entrepreneurs, politicians at every level of government, business leaders, media figures, and think-tank advocates. The players have been overwhelmingly white; their methods consistently top-down. Notably missing have been teachers, school administrators, parents, and students, most of whom oppose market-driven policies. With elite support, ed-reformers collected enough money to build an ed-reform industry of scores of organizations employing same-thinking researchers, program designers, consultants, lobbyists, campaign organizers, and media producers (Welner, 2013). A cadre of super-wealthy donors regularly gives millions of dollars to pro-ed-reform candidates for state and local offices; they fund ballot initiatives around the country and pour hundreds of thousands of dollars into local school board races. The right-wing American Legislative Exchange Council (ALEC), which drafts model legislation for conservative state lawmakers, has been an important ally of the ed-reform movement. Some states have adopted ALEC model legislation verbatim.

Help also came from the White House. George W. Bush (2001–2009) advanced both charter schools and vouchers. His signature education law, No Child Left Behind (signed in 2002), established that students in low-performing, low-income public schools could transfer within their district to another public school or to a charter school (US Department of Education, 2007). In 2004 Bush signed into law a voucher program that Congress designed for Washington, DC (Congress retains much authority over the District of Columbia, which is not a state.) The DC Opportunity Scholarship Program offers every low-income student in DC a federally funded voucher to use at a participating private school, including religious schools (Wolf et al., 2010).

Barack Obama (2009–2017) opposed school vouchers, but he quickly became Charter-Advocate-in-Chief. In the depths of the

“great recession” in 2009, his Department of Education (DOE) launched a \$4.35 billion competitive grant program called Race to the Top. The rules stipulated that each competing state submit a public school reform plan, taking into account a long list of DOE pet policies. States that scored highest on the DOE’s point system would win millions of dollars to implement their plans. DOE criteria included not limiting the growth of charter schools (some states had capped the number). States were also required to give charter schools free use of public facilities or help them pay for facilities (US Department of Education, 2009). Public school supporters fiercely opposed the measures because they diverted resources from already stretched-to-the-limit education budgets. But state governments were desperate for money from anywhere; all but four eventually entered the contest. Obama’s Race to the Top gave the entire charter school enterprise a substantial boost.

Charter schools claim to be public schools because they receive tax-payer money and, in theory, are overseen by state-appointed authorities. But private-sector entities—either boards or charter management organizations (CMOs)—run the schools and control finances.² Private management, which can be for-profit or non-profit, allows charter schools to avoid the transparency and accountability required of district public schools. When the public or press asks for documentation, managers can claim private status. They regularly refuse access to their financial records, data, and internal communications—information that public entities are required to make available. In September 2017, for example, investigative reporters requested some emails from Eva Moskowitz, CEO of Success Academy Charter Schools, Inc., a CMO that runs forty-six schools in New York City. The company’s lawyer responded that the CMO “is not itself a charter school or a government agency ... it is not in and of itself subject to FOIL [Freedom of Information Law] or required to have an appeal process” (Disare, 2017). Charter school operators prefer as little public supervision as possible. Predictably, inadequate transparency and accountability have led to widespread malfeasance in the sector (more on this below).

Reformers also champion virtual (online) schools, most of which are privately run, for-profit, and notably lucrative. They use the

² Only about 10 percent of charter schools are unionized (Loewus, 2017).

same funding mechanism as charter schools—the operators get public funds for each child who signs up—but they do not have to maintain buildings, provide transportation, or pay for full staff. One teacher can follow scores, even hundreds, of students as they tap their way through digital lessons on their home computers.

According to the National Alliance for Public Charter Schools (2017), charter enrollment increased from 1.2 million students in 2006–2007 to an estimated 3.1 million in 2016–2017. The number of charter schools reached more than 6,900. These numbers look tiny compared to the overall size of the US K-12 system. For example, the federal government projected that about 50.7 million students would attend public and charter schools in fall 2017; about 5.2 million would attend private schools (National Center for Education Statistics, 2017). In addition, about 1.7 million were homeschooled in 2016 (McQuiggan and Megra, 2017). But charters schools are highly concentrated geographically and wield substantial political clout. They enroll 20 percent or more of all students in 44 districts around the country, including major cities.³ Some 92 percent of K-12 students in New Orleans attend charter schools; 53 percent in Detroit; 45 percent in the District of Columbia (National Alliance for Public Charter Schools, 2016). Charter networks run well-funded lobbying efforts in most states. As of November 2017, only six states did not allow charter schools (The 74, 2017).

ANATOMY OF TWO REFORMS: CHARTER SCHOOLS AND VOUCHERS

To justify the existence of charter schools, ed-reformers have always claimed they outperform the district public schools that most low-income and minority students attend. Indeed, unless charters perform better, they serve no purpose other than choice for the sake of choice regardless of quality. Both government and ed-reformers still rely on student scores on standardized tests to measure performance. Since 2009 a pro-privatization research center at Stanford University has regularly conducted national

³ There are about 13,600 public school districts in the USA. The largest take in entire cities, such as New York City and Los Angeles. The smallest include just one school (National Center for Education Statistics, 2017).

studies comparing the test scores of charter school students to the scores of demographically similar students at district public schools (Center for Research on Education Outcomes, 2009–2017). Over the years, the studies have generated a consistent, albeit rough, picture of average performance nationwide: about one half of all charters perform at the same level as district schools, about one quarter perform worse, and about one quarter perform better. In 2016 a comprehensive study of charter schools in Texas by the respected National Bureau of Economic Research found that “at the mean, charter schools have no impact on test scores and a negative impact on [future] earnings” (Dobbie and Freyer, 2016). These mediocre results fall far short of reformers’ claims and hardly justify undermining district schools.

As for high-performing charter schools, research has shown they boost test scores by “counseling out” the most challenging students—those with cognitive and physical disabilities, behavior problems, and English language learners. These students remain in district schools, increasing the concentration of at-risk students in precisely the districts that have lost funding to charter schools. In the 2013–2014 school year, the Budget, Facilities, and Audit Committee of the Los Angeles Unified School District (LAUSD) reported that 1.2 percent of charter school students were severely disabled; the figure for LAUSD overall was 3.8 percent—more than three times as large (Reilly and Reed, 2016).

Turning to vouchers, the goal of staunch advocates is to replicate the system that Milton Friedman proposed in 1955: a tax-payer voucher for every student to use in a free market of private and religious schools. Although several states offer vouchers to all families, rich and poor, public support for “universal” programs like these is low. To get around this obstacle, reformers have advocated programs limited to low-income students, students in low-performing schools, or students with special needs. They also devised several variations on vouchers, all of which channel public funds to private schools but avoid the unpopular “v” word. “Private-school tuition tax credits” allow families to subtract the cost of tuition from the taxes they pay; “tax-credit scholarships” give tax credits to donors (corporations included) who fund scholarships for other people’s children to attend private or religious schools. Donors cycle their money through non-profit “school tuition organizations” (STO). Rerouting the money, reformers argue, prevents

any violation of the separation of church and state: the STO “middleman” separates the government funding (the tax credit) from the religious institution. In reality, the process works like money laundering: funds pass through a private entity and arrive at a religious school scrubbed clean of their tax-payer origin. Another privatizing tool—“education savings accounts”—gives families government-funded debit cards to use for various private education expenses in addition to tuition.

According to the Milton and Rose Friedman Foundation, which changed its name in 2016 to the less politically charged EdChoice (“Changes Name,” 2016), there were 64 voucher and voucher-type programs, including tax-credit plans in 30 states and the District of Columbia as of January 2018 (“School Choice,” 2018). Most of the money ends up at religious schools. For example, 82 percent of the nearly 100,000 students in the Florida Tax Credit Scholarship Program chose religious schools in 2017 (Florida Department of Education, 2017). Republicans, who control a large majority of state governments as well as the White House and Congress, aim to expand voucher programs. Paradoxically, the promised expansion comes shortly after the release of several studies showing that voucher programs actually hurt student performance. In late 2015, for example, researchers reported that Indiana’s “voucher students who transfer to private schools experienced significant losses in achievement” in math and no improvement in reading (Carey, 2017, February 23). In June 2016, a study of a large Ohio voucher program, published by the pro-reform Thomas B. Fordham Institute, found: “The students who use vouchers to attend private schools have fared worse academically compared to their closely matched peers attending public schools ... Such impacts also appear to persist over time” (Churchill and Aldis, 2016).

Voucher supporters (Milton Friedman included) have always assumed that transferring from a public school to a private school means transferring to a better school. But in recent years, public schools in the United States have closed the achievement gap with private schools (Dynarski, 2016). Since government vouchers never cover the cost of higher quality private schools, most low-income students end up at schools that are either no better or even worse academically than the public schools they left.

ACADEMIC FAILURE, CORRUPTION, SEGREGATION—AND BEYOND

Both charter school management and voucher programs are rife with fraud. It comes with the territory when states hand out millions of dollars without adequate vetting or ongoing oversight. The pro-public-school Network for Public Education posts a useful feature on its website called #ANOTHERDAYANOTHERCHARTERSCANDAL, which keeps a running account of charter misconduct along with links to source material (<https://networkforpubliceducation.org/9734-2/>). Here are a few recent scandals: The founder and former administrator of Southwest Learning Centers, which ran four charter schools in Albuquerque, NM, pleaded guilty to pocketing over \$2 million in several common charter scams. His schools paid fake invoices to a fake company he set up in Las Vegas; parents paid for online credits that their children never earned; he leased a building for his schools and charged them double the actual rent (Carl, 2017).

The Pennsylvania Ethics Commission fined the former CEO of the defunct Pocono Mountain Charter School in Coolbaugh Township for four years of deficient financial statements. The commission also cited him for asking the charter board to raise his wife's salary at the school and to hire his children for school positions (Frank, 2017). The former principle of a Delaware charter school—the Academy of Dover—pleaded guilty to embezzling \$145,480. The case went to federal court “due to the significant funding received by the Academy of Dover” (Anderson, 2017).

Voucher corruption looks like this: The Arizona Christian School Tuition Organization (ACSTO) is one of the largest groups in the state that grants tax credit scholarships for private schools. From 2010 to 2014, donors contributed \$72.9 million to ACSTO. Arizona law allows families of all income levels to use the vouchers; it also allows voucher granting groups to keep 10 percent of all donations to cover overheads. ACSTO's founder and executive director, Steve Yarbrough, is also president of the Arizona State Senate and a longtime voucher promoter. ACSTO outsources much of its work—from data entry to customer service—to HY Processing, a private for-profit company owned by Yarbrough, his wife, and another couple. ACSTO pays \$52,000 a year in rent to its landlord—also

Yarbrough. In 2012 Yarbrough bought a \$16,000 car; ACSTO reimbursed him for the full amount (Carey, 2017, March 2).

Vouchers and charter schools create still another problem: they increase racial and socio-economic segregation. A March 2017 report by the Century Foundation analyzes longitudinal data from studies of the Milwaukee Parental Choice Program (2010) and the Louisiana Scholarship Program (2017). In Milwaukee 68.4 percent of voucher-participating private schools had enrollments that were either 90 percent white or 90 percent black. Overall, 90 percent of voucher transfers “increased segregation in private schools, public schools, or both sectors.” In Louisiana, 76 percent of white voucher users left public schools where white students were underrepresented; 72 percent of them moved to schools where whites were overrepresented. Meanwhile, 82 percent of black students who used vouchers left public schools where blacks were overrepresented; 55 percent of them ended up at private schools where blacks were again overrepresented (Potter, 2017). According to a 2016 comprehensive report by the Brookings Institution, “charter schools enroll more black and poor students than traditional public schools in the same areas and are more likely to be at one extreme or the other of the racial and economic demographic spectrum than traditional public schools” (Grover, Reeves, and Rodrigue, 2016).

Academic failures, recurrent corruption, increased segregation—yet market-driven reformers rarely confront these problems publicly or reexamine their assumptions. Ideology rules their perspective: public education is a repressive government monopoly, period. A December 2017 Associated Press analysis detailed how charter schools “are vastly over-represented among schools where minorities study in the most extreme racial isolation.” The report quotes the response of the spokesperson for the National Alliance for Public Charter Schools: “Modern schools of choice with high concentrations of students of color is [*sic*] a demonstration of parents choosing the best schools for their children ... This is not segregation” (Moreno, 2017).

Despite two decades of controversy around market-driven reforms, Americans remain woefully uninformed. According to a 2017 poll by the independent research company SSRS, a little more than half of Americans support charter schools until they learn that the funding is taken from district public schools. Then support

plummets to 30 percent (Hefling, 2017). In the 2017 survey conducted by the pro-reform journal *Education Next*, support for vouchers hinged on whether the survey questions contained the phrase “wider choice” or “use government funds.” A proposal to “give all families with children in public schools a wider choice, by allowing them to enroll their children in private schools instead, with government helping to pay the tuition” received 45 percent support. A proposal to “use government funds to pay the tuition of all students who choose to attend private schools” received only 27 percent support (Education Next, 2017).⁴ Most Americans oppose charters and vouchers when they know that the policies drain funds from public schools. Much of the success of the market-driven reform movement has depended on their not knowing.

The Trump–DeVos regime has just begun to implement its anti-public education agenda. The December 2017 overhaul of the federal tax code incentivizes privatization by allowing families that have tax-free savings accounts for college expenses to apply that money to K-12 private school tuition and homeschooling (Balingit and Douglas-Gabriel, 2017). The Trump–DeVos budget proposal for fiscal year 2018 cuts the Department of Education (DOE) budget by 13.6 percent, undermining programs for teacher training, salaries, and afterschool activities for low income children. The proposal includes a 40 percent staff cut for the DOE’s Office for Civil Rights while a new expenditure of \$250 million would create a federally funded, nationwide school voucher program (Whitaker, McDaniels, and Johnson, 2017). Trump and DeVos campaign around the country for market-driven reforms and candidates who support them, but the true juggernaut behind ed-reform remains the state governments. As of January 2018, Republicans controlled a near-record thirty-two state legislatures and thirty-four governorships. Education policy is mostly in their hands. Right-wing Republicans established a lock on power after the 2010 elections by overseeing the redrawing of electoral districts in many states (Ohlemacher, 2014).

Draining resources from public schools has already undermined school districts around the country. If this continues, the death of

⁴ Neither question contained the politically charged word “voucher.”

public education by a thousand cuts will be a reality long before privatization is complete. With Republican and Democratic ed-reformers dominant in so many states and school districts, opponents have not been able to win across-the-board pro-public education programs. Instead, they have to combat market-driven reforms one legislative proposal at a time, one ballot measure at a time, one school board election at a time. Battles can last for years; most require relentless grassroots efforts. Here is what a victory for public education looks like:

In 2011 the pro-ed-reform school board of Douglas County, the wealthiest county in Colorado, created the nation's only district-authorized, universal voucher program. A parents group called Tax-payers for Public Education went to court to block it. In 2015 the Colorado Supreme Court declared the program unconstitutional because state tax dollars cannot be used for religious schools. The school district appealed to the US Supreme Court, using \$1.8 million from the conservative Walton Family Foundation and the Daniels Fund to cover legal expenses. In June 2017, the US Supreme Court directed the Colorado Supreme Court to revisit the case. But Douglas County voters, angry about the deterioration of their schools under the ed-reformers, acted first. In November 2017, they elected a pro-public education slate of candidates to the school board. In December the new board voted to abolish the voucher program, six to zero (Goodland, 2017).

Until market-driven ed-reformers lose power, the survival of public education in the United States depends on informed citizens organizing for victories like the one in Douglas County.

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10. Public–private partnerships in education assessed through the lens of human rights

Mireille de Koning

INTRODUCTION

The theoretical debate on the potential benefits and disadvantages of public–private partnerships (PPPs) in education is an ongoing one. Yet there is little analysis of the effects of a diverse range of PPPs on communities and education practices, including how providers in partnerships interact with the state and affect the overall system, positively or negatively (Robertson et al., 2012; Languille, 2017). Many governments, particularly in the global South, that have implemented some type of PPP in education have yet to develop and implement adequate regulatory frameworks to ensure accountability within partnership arrangements. While increasingly promoted and supported as an innovative and cost-effective policy approach to deliver education, PPPs also give rise to several concerns related to equity and accountability. ‘Partnerships’ may fall outside legal and regulatory mechanisms (Draxler, 2008). Access to information (Minow, 2003) and agreements may be developed in parallel to, rather than in alignment with, existing state education sector plans and contribute little to building state capacity. Rather than expanding social services, they may create and entrench inequalities in educational access and quality. These concerns are particularly pertinent in contexts faced with disrupted provision, low public spending and inadequate regulatory and monitoring capacities in education.

This chapter discusses concerted efforts undertaken by a growing body of national and international civil society organizations from

the education and human rights fields to bring a human rights perspective to the discourse around the implications of the increased involvement of private actors in education. This work, involving research and advocacy in several countries and spanning approximately four years, has resulted in a developing interpretation of the application of the human rights framework to the role of private actors and public–private partnership arrangements in education, including a series of statements from UN bodies based on empirical country cases. Research on the direct outcomes and broader impact of PPPs is growing. In parallel, the Open Society Foundations Education Support Program has convened a range of education stakeholders in different fora to critically reflect on various PPP models. These stakeholders have examined contexts in which partnerships have been implemented, focusing on policy options, and issues of accountability and state capacity in fragile contexts. Combined, these legal developments and broad stakeholder engagements have fed into an ongoing process aiming to develop a set of human rights Guiding Principles on how states should address private education provision.

These convenings and the process for the development of the guiding principles have given rise to specific areas of debate, including under what (legal) conditions, if any, governments can fund private schooling compatible with their human rights obligations. Stakeholder critics are, naturally, not uniform in their positions. Some take the stance that private education should be severely controlled and that any framework that does not fully preclude models of private provision that depends on public funding directly or indirectly should be prohibited. Others, reflected in the work described here, take a pragmatic view, pushing for application of existing legal frameworks and focusing on human rights principles to address the role and limitations of PPPs in education.

This chapter reports on these convenings and highlights several issues and areas of debate or consensus emerging from them. In turn, the development of norms in relation to PPPs in education is discussed. Finally, the chapter will conclude that the ongoing development of a normative framework is built on a process of informed and critical reflection by different stakeholders attempting to navigate and find a way forward in a contentious debate on the role of private actors in education.

CONTESTED POLICY APPROACH AND AMBIGUOUS MEANING

Public–Private Partnerships (PPPs) are a relatively new and highly contested phenomenon in the global education space, both as a policy idea and subject of specific interventions on the ground. Despite a dearth of analysis on the effects of PPPs in education, the contracting of the private sector by states under different arrangements, including private operation of public schools, subsidized (for-profit) private education delivery and voucher schemes have since the late 1990s been promoted as innovative, effective and flexible policy approaches to expand education and to address a range of challenges related to access and quality, particularly in low- and middle-income countries in Africa, Asia and Latin America. In the context of the Sustainable Development Goals, partnership arrangements are expected to play an important role in implementing strategies for realizing the goals and targets under the Sustainable Development Goal for education, SDG4, with SDG 17 promoting the use of partnerships between governments, the private sector and civil society to address inequalities in the provision of and access to public services.

At the same time, PPPs have given rise to concerns and challenges related to equity, accountability, social cohesion and effectiveness. Emerging research on diverse PPPs interventions in different contexts both in high- and low-income countries including Chile, Colombia, India, Pakistan, Sweden, Uganda, the UK and the US,¹ has found evidence that these have created or reinforced existing segregation within systems, depressed teachers' pay, and have accelerated processes of education privatization, among other implications.

Part of the controversy around PPPs can be attributed to their disputed meaning. PPP is a vague and ambiguous term open to varied interpretation by different actors and used to denote a

¹ Most of the research on the effects of PPPs has been undertaken in Latin America (Chile), Europe (UK) and the US, with fewer studies in Africa (e.g., Uganda, Ghana) and Asia (e.g., Pakistan). For recent reviews of education PPPs in different contexts globally, see: Robertson Aslam, Rawal, and Saeed (2017) and Languille (2017).

multiplicity of PPP mechanisms with different rationales, motivations and expectations (Robertson et al., 2012; Languille, 2017). This is further complicated by the fact that the implementation and impacts of PPPs are highly context-specific (Vergier and Moschetti, 2017) and dependent on the different actors (public and private) involved and the (power) relationship between them, as well as the “nature and history of both the public and private sectors in particular regions, and countries” (Gideon and Unterhalter, 2017). In education, PPPs generally relate to arrangements that involve public funding for services directly provided or managed by private actors, conversely framed as formal contracts between governments and private-sector providers for specific services (Patrinos, Barrera Osorio, and Guaqueta, 2009) or more broadly, as joint initiatives focused on shared objectives in delivering a social service. The common feature of most PPPs is the new or additional roles ascribed to private actors (Robertson et al., 2012), usually taking on operational responsibilities previously exercised by the state, and a shift of the state’s role, away from direct service provision and more focused on the funding, supervision and regulation of systems.

There thus exists a fundamental tension between public (state) accountability and commercial motivation in most PPP arrangements. In an article on the political and social implications of partnering with the private sector, Vergier and Moschetti (2017) observe that many proposed PPP interventions “do not differ significantly from privatization and marketization policies and, in fact, share the most important assumptions about the benefits of private provision and market competition” (Vergier and Moschetti, 2017: 250). School choice, diversification and competition are core dimensions promoted by PPP advocates for the implementation of charter schools and voucher programmes to expand education in developing countries and poor communities. In her review of PPPs in the education and health sectors in developing countries, Languille (2017), however, finds that these principles, in particular cost-efficiency in social service delivery targeting poor communities, is rarely realized in practice. Further she argues that there is almost no empirical application of a social justice frame to an analysis of PPPs in social services.

PUBLIC–PRIVATE PARTNERSHIPS IN CONFLICT-AFFECTED AND FRAGILE CONTEXTS

In June 2016, the Open Society Foundations Education Support Program (OSF-ESP) and the Inter-Agency Network for Education in Emergencies (INEE) jointly convened a range of actors² in a two-day roundtable in New York for an open and critical exploration of the potential and challenges of, and key considerations in relation to, public–private partnerships in crisis-affected and fragile contexts. Participants included stakeholders from and experts on countries and contexts such as Haiti, New Orleans, Liberia and Pakistan. The impetus for this convening was the announced launch of a pilot multi-operator public–private partnership scheme in pre-primary and primary education by the government of Liberia at the beginning of 2016, in which it would outsource the management of 93 government schools to eight private organizations, including companies and charities. This decision, in particular the possibility that the pilot could develop into a full-scale charter school system, prompted criticism and concern from a variety of stakeholders. Critics included civil society organizations, teachers' organizations and the then UN Special Rapporteur on the Right to Education, Kishore Singh, and generated significant international media coverage³ and scrutiny. The project was deemed especially contentious as it originally involved only one partner, the commercial for-profit chain of low-fee private schools, Bridge International Academies, whose activities in Kenya and Uganda have been much criticized and debated.⁴

The move re-ignited discussions on PPPs in education, drawing attention to a pattern of increased involvement of and various

² Participants included approximately 50 representatives of civil society organizations, academics and researchers, bi-lateral donors and foundations, private providers, ministries of education, teachers' organizations and international organizations.

³ See: Mungai (2016), Al Jazeera. *The Stream* (2016); and Rosenberg (2016, 14 June).

⁴ See the dedicated webpage on the Global Initiative for Social and Economic Rights website that compiles information on the operations of Bridge International Academies in different countries: <http://globalinitiative-escr.org/advocacy/privatization-in-education-research-initiative/commercial-schools-and-the-right-to-education/>.

partnership arrangements with private actors in crisis and post-crisis contexts, including Haiti, New Orleans in the United States, Pakistan and Liberia. Other factors that made the discussion timely and relevant included a rise in international aid to states facing increasingly protracted crises,⁵ an increase in the number of states considering PPPs involving contracting-out schemes within their education systems to address resource and capacity gaps (Rose and Greeley, 2016), and a growing interest in innovative financing methods to increase available funds for education in emergencies involving private actors). The Inter-Agency Network for Education in Emergencies (INEE) and OSF considered the convening an “opportune moment to give broad consideration to the potential role of public private partnerships as a viable policy option for systemic development while reviewing the principles States should follow in developing a PPP to ensure that they meet their international commitments and human rights obligations in doing so” (OSF and INEE, 2016). The roundtable was framed as an occasion to develop an understanding of the current discourse and to identify key considerations in relation to PPPs in contexts where states are faced with severe capacity constraints and systemic challenges in education. Specifically, the convening sought to explore a range of approaches and models of public funding of private schools (in the form of vouchers or charter schools), share lessons from contexts where PPPs have been implemented in education and identify points of agreement on basic principles to follow in the development of PPPs that promote transparency, accountability and equity in education systems.

Some of the key interrelated issues and points of agreement that have come out of this dialogue allow for the consideration of the principles under which states might develop or limit PPPs in education in keeping with their human rights obligations.⁶ The issues and points of agreement discussed were:

⁵ For example, the proposed establishment of an Education Crisis Platform that developed out of the 2015 Oslo Summit on Education for Development that proposes, among other aims, to mobilize and disburse additional and predictable resources for education in fragile and crisis-affected countries and communities. The Global Partnership for Education has also become a significant financier of countries categorized as fragile or conflict-affected.

⁶ An elaboration of these key considerations and a summary of the discussion can be found in the report of the roundtable, “Exploring Public Private Partnerships

Transparency and stakeholder participation. The design and implementation of an education PPP is a high-stakes process. Interventions affect school communities and through them have wider societal implications, particularly in the case of wide-scale implementation (in countries for example like Chile or Haiti). Nonetheless, many PPPs are found to be developed and agreed without public consultation and a careful assessment before implementation of their potential impact on equity and contribution to the right to education. Teachers' organizations, in particular, are often found to be absent from discussions on PPPs in education (Draxler, 2012). Partnership arrangements must be developed through democratic debate and transparency.

The issue of transparency and stakeholder participation closely relates to **risk assessments**, by which states are expected to conduct an assessment for any decisions to increase private sector involvement in the education sector. Such assessments should be holistic, taking into account effects and implications related to equity, access to education, and educational outcomes. More often than not considerations of PPP frameworks often do not take into account potential human rights risks such as discrimination or exclusion based on ability. In Uganda just to give one example, several PPP schools were found not to have appropriate facilities and support structures for children with disabilities (ISER, 2016). Similarly, the New Orleans school reforms following Hurricane Katrina that turned over the majority of the city's schools to charter management organizations was found to increase stratification and segregation resulting from 'cream skimming' and selection practices by schools and "encouraged exclusion of struggling students from schools altogether" (Adamson and Darling-Hammond, 2016: 158).

Risk assessments are particularly important for examining the consequences of a partnership ending at the responsibility of the private partner (through abandonment, insolvency, or failure to meet contractual responsibilities) leaving the state responsible for damage control and needed additional resources. An example here, albeit from a country not faced with a disruptive crisis, is the development of publicly-funded private schools – so-called "free

in Crisis-affected & Fragile States: Roundtable Report." Retrieved 6 February 2018 from http://s3.amazonaws.com/inee-assets/page-images/OSF-INEE_PPP-roundtable_framing-paper_Novelli_crisis-contexts.pdf.

schools” – in Sweden where a series of education reforms in the early 1990s included the decentralization of responsibility for education to local municipalities and the introduction of school choice for students and parents (OECD, 2015). By 2013 nearly 800 free schools competing with public schools for government funds, many of them operated by for-profit companies, had been set up across the country; 2013 was also the year in which one of the companies operating free schools declared bankruptcy, selling and closing its schools, leaving students stranded and generating a national debate on the sustainability of the voucher scheme.

Risk assessments should also include a frank accounting of the state’s capacity to manage, regulate and monitor a PPP, and of potential private providers to meet the needs identified for a system. In a background paper prepared for the roundtable, Verger and Moschetti (2016: 8) noted that while PPPs might be able to address limitations of state provision in contexts of conflict and fragility, in practice “PPP are very demanding and challenging forms of governance both for private agents and, especially, for governments.” This is especially true in contexts where the capacity of states to plan, coordinate, regulate and finance private providers may be severely constrained (Rose and Greeley, 2006). As such, both **balanced risk and shared responsibility** are critical in partnership agreements. In practice, however, because the state has an obligation to fulfil the right to education, risk and responsibility are almost entirely born by the state. Consequently, when goals and responsibilities in partnerships are unmet, it is the state that is ultimately responsible (Verger and Moschetti, 2017). This implicit imbalance may mean that private partners engage in student selection “to minimize risk and maximize profit” (Verger and Moschetti, 2017) while leaving the burden of unprofitable or costly activities to the state, for example the schooling of vulnerable or remote communities or children with disabilities. Since private partners realize and capitalize on the role of the state as ultimately responsible for problems and failures, some may be led to take more risks than they would if these were equally shared.

Planning and systems development. From the outset of a potential partnership arrangement its reach should be clear to all stakeholders. Is the state embarking on a PPP as a small-scale experiment within the system or as a significant replacement for a part of, or as a supplement to, the existing system, for instance in

contexts where public provision is insufficient or non-existent? A key area of debate is whether PPPs should be regarded as a temporary solution during which challenges with public provision are addressed, or a long-term policy option “through which the educational governance paradigm and the role of the state in education are altered more deeply” (Verger and Moschetti 2016). These different modalities imply different goals for the PPP, and therefore different strategies and responsibilities for implementation. Planning should also include the means for scaling up a successful pilot, or, on the other hand, transferring schools under a PPP arrangement back over to the state when their intended purpose has been met (Aubry, 2016).

Teachers’ conditions. Cost-efficiencies in PPPs often result from the exploitation and casualization of teachers’ labour and many private providers in PPP schemes have been found to restrict unionization, depress teachers’ salaries and employ under-qualified teachers. This has been documented in many countries, such as in Concession schools in Bogota, Colombia (Edwards, DeMatthews and Hartley, 2017; Termes et al., 2015) and Uganda (ISER, 2016). Agreements about teachers’ qualifications and labour conditions should be part of the minimum standards that states need to enforce within PPP arrangements.

Regulation and accountability. Accountability is a key component of PPP arrangements, but is also particularly challenging in contexts faced with difficulties in state capacity. Ideally, a PPP framework should establish from the outset mechanisms for holding providers accountable, include mechanisms for communication and knowledge-sharing between private provider(s) and the state, and creating monitoring and evaluation frameworks in which civil society is formally involved. Private providers should be required to provide open data about schools they operate both to the state and to the public. The state should define from the outset the goals and responsibilities of a PPP and how and for what private providers will be held accountable, not only legally but also through civil society/public engagement in monitoring and oversight. Real concerns exist about states’ capacity to set and monitor minimum standards for education providers, as research conducted by civil society organizations has evidenced for Uganda, Ghana, Kenya and Pakistan. Regulation and monitoring is time- and resource-intensive and necessitates strong administrative capacities on the part of the

state, which may be especially challenging, and therefore inadvisable, in conflict-affected and fragile contexts. Moreover, as noted by Verger and Moschetti (2016) in a background paper prepared for the PPP roundtable, enforcing compliance with basic regulations, such as non-selection or tuition, may create difficulties when schools are operated by for-profit actors driven by competitive incentives.

In a convening focused on accountability in relation to PPPs in education that took place in November 2015, hosted by the Open Society Initiative for Southern Africa in Johannesburg, and which brought together around 20 academics, researchers, human rights NGOs, low-fee private school providers and foundations from different countries, participants questioned whether in the case of an extremely weak state (i.e., a government having very limited capacity to govern an education system), education PPPs make any sense at all without the meaningful engagement of a public counterpart (state or citizens) in an arrangement premised on ‘partnership’.

Participants emphasized that accountability systems are multi-stakeholder systems that work in different and interrelated directions and should involve all stakeholders. Additionally, different accountability mechanisms have different effects (e.g., punishment or support) and (political) implications, and as such, participants considered it imperative that a social justice perspective is not lost when analyzing or giving consideration to accountability in relation to education PPPs. Related to this, the purpose of introducing a particular mechanism should be clear, for example, to prevent exclusion of some groups/populations. Similarly, education PPPs should be introduced for a clearly-defined purpose and justified in terms of risks and contributions to quality, equality, social cohesion and pertinence. Finally, participants identified a need to define and give meaning to the concept of partnership, one that assumes a similar level of power between the actors involved. Unpacking how the condition of “fragile state” is defined might also prevent initiatives from bypassing the state, on the one hand, and helping define how a partnership agreement might contribute to addressing state financial or institutional capacity to provide education, on the other.

These interrelated issues and points of agreement have contributed to a consideration of principles under which states might limit

or develop PPPs in education in line with their obligations as part of a process to develop a set of human rights Guiding Principles related to private actors in education, as discussed in the next section.

APPLYING A HUMAN RIGHTS FRAMEWORK TO PPPs

Since 2013, a number of civil society organizations from the education and human rights fields have jointly explored the application of the human rights framework, and specifically the right to education, to the increased participation of private actors in education. Part of this work has entailed unpacking the scope of right to education, and determining what it means in practice and how it applies to private actors. Several assumptions underpin this work. The first is that there is a need to develop a normative framework applicable to the role of private provision both for assessment of the impact of changes in education governance on the right to education and for developing operational accountability standards for private actors. The second is that a human rights framework offers a way forward in a polarized debate that is largely focused on the merits or demerits of private-sector involvement in education, as mentioned in the introduction. Aubry and Dorsi (2016) argue that while open to interpretation, the nearly universally legally-binding nature of human rights law related to education render it an appropriate framework to address what they term the “normative privatization debate.” They argue that the controversy around the growth of private actors in education is partially explained by the weight given to different dimensions or concepts, such as equity or choice, in policy discussions, which in turn have implications for how research is conducted, construed and used by policy makers and other actors. By this reasoning, human rights law, in contrast, provides a generally-uncontested lens through which to approach a highly contentious issue.

A large part of this work is informed by ongoing empirical research conducted in nearly a dozen countries⁷ since 2014 to assess the impact of the existence or growth of private actors in education – largely the rapid expansion of low-fee private schools, for-profit chains, and various public–private partnerships – against human rights standards. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) and Right to Education Initiative (RTE) have spearheaded this work in collaboration with national and international partner organizations, including human rights NGOs and national education coalitions, to review laws, policies and secondary literature in different countries on the impact of private actors in education applying the human rights framework, and specifically the right to education. This research has been compiled in reports that have been presented, alongside state reports, to regional or UN human rights mechanisms⁸ which periodically review the implementation of human rights conventions by states. On the basis of information presented to them, the expert committees make observations highlighting progress made, challenges and areas of concern, and make concrete recommendations to states. These observations are quasi-legal interpretations of the right to education, which means that they are considered within the scope of international law, and have in turn contributed to informing a set of human rights Guiding Principles on state obligations with regard to private education provision.

Two developments in this work are important to highlight. First, the concluding observations made by these mechanisms have contributed to providing clarity on how the right to education

⁷ These include Brazil, Chile, Ghana, Haiti, Kenya, Morocco, Pakistan, the Philippines, Uganda and Nepal. The United Kingdom was reviewed with regard to its support through development aid for private education, including low fee private schools and public–private partnerships, in developing countries including Kenya and Pakistan.

⁸ These treaty body mechanisms are committees of independent experts established by states to monitor the implementation, and provide guidance on the interpretation, of human rights treaties. Each convention has a different group of experts that periodically reviews state party fulfilment of their obligations under different conventions. States prepare reports every five years on the situation in their country, and civil society also has the opportunity to present its analysis as part of the review process. On the basis of these country reports and other sources, the experts ask questions and make observations highlighting progress made, challenges, areas of concern and make recommendations to states.

applies to particular situations as well as the complex dynamics that affect its implementation, specifically the growth of private actors and public–private arrangements. Research on public–private partnerships frameworks have been undertaken by civil society organizations in Brazil, Chile, Haiti, Pakistan and Uganda and have to date resulted in more than 20 concluding observations that spell out recommendations on the role of private actors in education (GI-ESCR, 2017).⁹ For example, regarding PPPs in education, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that Chile:

[T]ake the necessary measures to ensure that the reform of the education system eliminates all mechanisms that result in the discrimination and segregation of students based on their social or economic background and, inter alia, ensure the effective implementation of the Inclusive Education Act, which regulates school admissions, eliminates partial fee-paying and stipulates that educational establishments receiving State support must be non-profit-making. (CESCR, 2015)

For Haiti, the UN Committee on the Rights of the Child (CRC) recommended that the government: “Ensure that public–private partnerships do not impede access to quality education for all children and guarantee that they do not serve private interests or entail any form of commercialization of education” (CRC, 2016).

Second, the clarity afforded by this work has brought nuance into discussions on the role of private actors, such as the roundtable convening on PPPs, where empirical research from Uganda and Haiti used to inform UN treaty bodies was discussed. This work has also opened up spaces for dialogue at the national level. In Uganda, for example, advocacy around the concluding observations of the UN CESCR and the African Commission on Human and Peoples’ Rights, public awareness-raising and convening of stakeholder dialogues on PPPs at the national level, led by the Initiative for Social and Economic Rights, have resulted in their involvement in ongoing reviews of the government’s PPP policy.

⁹ A summary of these recommendations, updated on a regular basis, can be found on the website of the Global Initiative for Economic, Social and Cultural Rights: <http://bit.ly/synthesisprivatisation>.

This body of work has been based on, and has contributed to shaping, an evolving human rights analysis framework,¹⁰ developed jointly by GI-ESCR and RTE,¹¹ a tool which designates the legal criteria, or conditions drawn from human rights law, that the operation of private schools should not undermine. Broadly summarized, where private providers are involved in education, they should: not be a source of segregation, discrimination and inequalities; provide an alternative to and not undermine access to free quality education; preserve the humanistic nature of the right to education; conform to minimum education standards established and enforced by governments; and be regulated by norms that are developed following due process and participation in education decision making.¹² As described by Aubry and Dorsi (2016: 7):

These criteria are inter-connected, may partly overlap, and they represent a sort of *red line*: if the existence or growth of private actors in education affects negatively any of those criteria, it is not acceptable, and likely, a violation of human rights law. Conversely, when all of these criteria are met, the role of private actors in education is acceptable under the human rights normative framework. Importantly, these criteria apply to States in the management of their domestic education system, but also equally to donor States, which should respect those criteria when funding education systems – including private schools – in other countries.

Building on the framework developed by GI-ESCR and RTE, an informal network of civil society organizations who coordinate activities related to privatization in education and human rights, started a process in 2015 to develop a set of human rights Guiding Principles that compile and restate existing human rights standards

¹⁰ The so-called “Privatisation in education Assessment Framework” (PAF) is a methodology or tool to be used to assess the involvement and growth of private actors in education against the right to education. See: http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_GIESCR_Methodological_Guide_Privatisation_and_Human_Rights_2016_En_0.pdf, accessed 7 February 2018.

¹¹ Formerly the Right to Education Project. Until 2016, the Right to Education Project was hosted by ActionAid International as a collaborative initiative of the Global Campaign for Education, Human Rights Watch, Action Aid and Save the Children, and is now an independent charity under UK law.

¹² For a more in depth discussion of these criteria or dimensions, see: Aubry and Dorsi (2016).

as they relate to private actors in education.¹³ These Guiding Principles aim to reflect existing legally-binding international instruments and national law, rather than create new standards, and are to be directly applicable to hold states accountable for their obligations to fulfil and protect the right to education. This ongoing process has entailed a series of regional and expert consultations that brought together stakeholders¹⁴ from around the world to participate in developing the draft Guiding Principles. This normative framework is scheduled to be finalized and validated by a group of experts in international law and education towards the end of 2018, with the aim of being both operational and adaptable to different contexts.

One of the most difficult issues to settle is whether it is compatible with human rights agreements and law for states to fund private actors to deliver the right to free education. While the right to free quality education is unequivocal at the basic level, less clear is whether such education should be provided directly by the state, or whether this can be delivered through the funding of private delivery or private management of public schools under a PPP arrangement. If such arrangements are compatible with human rights, to what extent and under what conditions are they compatible? When a state considers entering into a partnership arrangement, further questions arise about the kinds of schools involved. Is funding private education for community schools, religious schools and other organizations that are dependent on public funding (e.g.,

¹³ The development of the Guiding Principles is facilitated by five organizations acting as a Secretariat for the process and including Amnesty International, the Equal Education Law Centre, the Global Initiative for Economic, Social and Cultural Rights, the Initiative for Social and Economic Rights and the Right the Education Initiative.

¹⁴ Between August 2016 and December 2017, consultations were organized in Bangkok (August 2016) for stakeholders in the Asia Pacific region, Nairobi for East Africa (September 2016), Paris for Europe and North America (March 2017), Johannesburg for Southern Africa (August 2017) and Dakar for stakeholders from Francophone countries in Africa as well as Haiti (October 2017), and further smaller convenings during workshops at the Comparative International Education Society Conference (2016 and 2017), the ANCEFA Regional Education Policy Forum (2016) and an OSF convening on the impact of strategic litigation on access to quality education in Sao Paulo (2017). These consultations have brought together representatives of civil society organizations including teachers' and student organizations, ministries of education, private actors, academics, legal experts and international organizations.

denominational schools in many countries that have historically partnered with the state) compatible with a human rights framework? Are only those schools that are free, non-selective and adequately-regulated acceptable in this concept? Are for-profit and commercially-oriented providers intrinsically incompatible with the development of equitable and inclusive education systems?

These questions are also the basis of contention among civil society organizations on the issue, with some considering that no private schools should receive public funding as this could encourage education privatization and create or further entrench inequalities, and others contending that the funding of private schools might be necessary, and legally acceptable, in certain instances and under certain conditions. For example, in a crisis-affected context where the state is unable to provide sufficient and appropriate education services in the short term, PPPs might offer a way forward. However, rather than PPPs involving market approaches and creating dependence on the private sector, in such contexts states could try to build multi-stakeholder and capacity-building oriented partnerships with “a broad range of state and non-state partners including universities, local and international NGOs, grassroots organizations, international aid agencies” (Verger and Moschetti 2017: 261).

While states have the obligation to guarantee free quality basic education, they have some freedom under human rights law as to how this obligation is realized (Aubry, 2016), which may include funding of private schools. In most circumstances, states are considered as having the primary responsibility for direct provision of education, however private delivery in education supported by the state under a PPP arrangement, is not *in principle* at odds with human rights law, if it can be demonstrated that it does not undermine the realization of human rights principles. A case that demonstrates the opposite is the large-scale voucher system in Chile which was found to undermine the right to non-discrimination and equality and increase socio-economic segregation between schools (Valenzuela, Bellei and De los Rios, 2013). The five areas that GI-ESCR, RTE and partners have identified begin to provide an understanding of the limitations of this freedom and the legal criteria or conditions under which private actors might provide education services, including in a PPP arrangement.

What I have argued in this text, and that is illustrated by all the chapters in this book, is that in practice PPPs cover a broad range of policy options and follow different rationales. In education there are numerous challenges and limitations to their implementation and governance (Languille, 2017). A PPP that appears to be compatible with human rights at its conception may be found to undermine human rights at a later stage, when it is very difficult to reform or abolish. Some of these challenges are being explored in a series of background papers that have been commissioned by the Open Society Foundations and the five organizations guiding the process, to unpack and explore key concepts and questions in relation to the Guiding Principles through a theoretical analysis of existing law and literature related to private actors in education. These include an exploration of whether PPPs are acceptable in education from a social justice perspective, whether public funding of private actors is an option compliant with human rights law to realize the right to education, and the limitations of school choice.

CONCLUSION

This chapter has discussed efforts by a range of stakeholders in education to address, from a human rights and social justice perspective, questions around the assumption by private actors of responsibilities for delivery of education. These efforts have broadly entailed research, convenings and advocacy over a four-year period to address questions of accountability, equity and social cohesion in relation to the growth of private actors in education. What has emerged is a work in progress to provide a baseline and operations interpretation of the application of the human rights framework to the role of private actors and PPPs in education.

While these are ongoing efforts, three observations are critical to highlight: the first is that the various convenings to discuss specific aspects of PPPs in education, such as their role in fragile and conflict-affected settings, accountability in relation to PPPs, and consultations to input on the Guiding Principles specifically regarding public funding of private schools, have brought together different actors and stakeholders with different perspectives, positions and agendas, who might normally not engage with each other. This is significant, as it opens up a space for critical and constructive

debate on a highly contentious topic and attempts to involve all relevant stakeholders at different levels. Crucial to such a debate is a clear framing or lens through which to reflect on these issues. Here the nearly universally-agreed human rights system offers an appropriate lens to explore this issue from the obligations of states and responsibilities of private actors. Second, these convenings and efforts to develop a normative framework allow different actors to scrutinize their own positions, test their assumptions and to consider alternative perspectives, particularly given the increasingly complex arrangements and multiplicity of actors involved in education delivery. Third, while the purpose of these collective efforts is ultimately to inform policy, interventions and advocacy that might lead to the meaningful implementation of the right to education, the process is equally critical for clarifying areas of agreement and disagreement on complex governance arrangements such as public–private partnerships in education and their limitations from a human rights perspective.

The outcome of this work will be a further normative clarification of the application of the human rights framework to the role of private actors in education, providing different tools for stakeholders to hold actors to account for inequalities in education.

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Index

- academies 1
- Addey, Camilla 7
- Adrião, T. 41
- advocacy 39–50
- American Legislative Exchange Council (ALEC) 155
- Aubry, S. 179, 182

- Bagley, C. 91
- Ball, S.J. 91, 119, 121
- Bangladesh
 - diverse primary education system 134–5
 - for-profit private school model 131–46
 - low-fee private schools 135–7
- Barber, Michael 26, 119
- Barnett, M. 19
- Blair, Tony 119
- BRAC's transition 12, 131–46
 - low-fee private school franchise 137–44
- Brazilian education 41
- Brazilian education policy-making 42–8
- Bridge International Academies (BIA) 109, 110
- Buenos Aires, Argentina
 - logics of action in 85–101
 - private schools in 86–90
 - state-funded low-fee private schools in 85–101
- Bush, George H.W. 153
- Bush, George W. 155
- Bush, Jeb 153
- business opportunity 2–3

- Carnoy, M. 75
- charter management organizations (CMOs) 156
- China
 - allies and competitors in 68–82
 - anti-poverty programs in 82
 - Compulsory Education Law 70
 - educational clientele 75–8
 - high-fee schools 75
 - low-fee schools 73
 - medium-fee schools 74–5
 - philanthropy 76
 - private schools in 68–82
 - school entrepreneurs 75–8
- Chinese Association for Non-Government Education 70
- Chinese economy 68
- Chinese education system 68
 - cooptation or competition 79–82
 - development and diversification 70–75
 - long-term privatization in 79
 - moral-ideological re-orientation 80
 - private responses 70–75
- Chinese–foreign joint ventures 75
- Clinton, Bill 153
- corporate social responsibility (CSR) programs 54, 120
- cost-cutting approaches 114
- critical constructivism theory 33
- cross-national policy attraction 6
- Cruz, Priscila 44

- decision-making 49
- decontextualized interventions 65

- de facto privatization 7
- Deng Xiaoping 69
- destatalisation 3
- “Devolutivas pedagógicas” 47
- disarticulation 3
- disaster capitalism 55
- disaster-induced privatization 32
- disaster-induced reforms impact 29
- diversification 3
- Donnelly, Katelyn 116
- Dorsi, D. 179, 182

- economic collapse 55
- economic liberalization 70
- Economist* 4
- economy of scale 3–5
- “ed-reform” movement 148
- education
 - balanced risk and shared responsibility 176
 - conflict-affected and fragile contexts 173–9
 - contested policy approach 171–2
 - expenditure 4
 - growth of PPP in 2
 - human rights and 169–86
 - individual and public investment in 4
 - planning and systems development 176–7
 - regulation and accountability 177–9
 - risk assessments 175
 - standardization of 2, 3–5
 - of Syrian refugees 52–66
 - teachers’ conditions 177
 - transparency and stakeholder participation 175
- educational clientele 75–8
- educational development 16–33
- educational engagement 58
- educational quality 20
- education policy
 - Hyderabad, hi-tech city 114–19
 - perfect storm 111–14
 - for poor, emerging economies 106–26
- education policy-making 40–42
- education privatization
 - globalization of 20–23
 - paths toward 20, 21–2
 - reforms 19
 - trajectories and policy configurations 20–23
- education reforms 31
 - models 18
- Education Sector Strategy 25
- edu-solutions industry 118
- ‘edu-solutions’ industry 110
- Edwards, D.B. Jr. 5, 28
- employee engagement 62
- ‘English medium’ schools 113
- epistemic community 41

- Fennell, S. 145
- Ferrare, J.J. 40
- financial media outlets 4
- Financial Times* 4
- Finnemore, M. 19
- Florida Opportunity Scholarship program 154
- Florida Tax Credit Scholarship Program 159
- Folha* 44
- for-profit education sector 107
- for-profit entities 1
- for-profit private school model
 - 131–46
 - methodology, Bangladesh 133–4
- fragility situations 54–5
- free schools 175–6
- Friedman, Milton 150, 151, 158

- gated-community school 78
- gender discrimination 125
- Gestão Escolar* 45
- Glatter, R. 91
- Global Business Coalition for Education (GBC-E) 52–3, 116
- global education industry 1

- global education policies
 receptions 5–7
 translations 5–7
 global education reform movement
 (GERM) 41, 49
 Global Partnership for Education
 (GPE) 116
 global Silicon Valley 121
 global technology industry 107
 Google 118
 governance 2–3
 governance by numbers 3
 government schools 27, 87, 93–5,
 112, 117
 gross enrollment ratios 55, 56
 gross national product (GNP)
 112

 Henriques, Ricardo 44
 heterarchy members 49
 Hogan, A. 43
 Honduran Project of Community
 Education (PROHECO) 30
 Hopwood, N. 90
 human rights framework 179–85
 Hyderabad, hi-tech city 114–19

 Indian School Finance Corporation
 (ISFC) 116
 India's policy entrepreneurs
 119–22
 “innovative” policy solutions 16
 intellectual property rights 5
 Inter-Agency Network for
 Education in Emergencies
 (INEE) 174
 Inter-American Development Bank
 (IADB) 30, 55
 international actors 16–33
 role of 17–20
 International Finance Corporation
 (IFC) 25, 117
 international large-scale student
 assessments (ILSAs) 7

 international organizations (IOs)
 critical constructivist perspective
 19
 forums of policy ideas 18
 international policy entrepreneurs
 24
 international political economy
 (IPE) 19
 international schools 77

 Jabbar, H. 91
 Jordan 56

 kindergartens 136
 Klein, Naomi 55, 64

 Languille, S. 172
 Lebanon 56
 Lemann Foundation 45, 48
 Lingard, B. 43
 Lingard, Bob 7
 logics of action
 differentiation 98–9
 operational changes 97–8
 selection of students 95–7
 Los Angeles Unified School
 District (LAUSD) 158
 low-fee private schools (LFPS) 10,
 17, 23–7, 31, 32, 107, 113,
 114, 116, 122, 124, 131, 132
 Bangladesh 135–7

 market-based managerial reforms
 10
 market-based policies 41
 market forces 2
 Maroy, C. 91
 meritocracy 97
 Microsoft 118
 minban schools 68, 69
 Mizne, Denis 47
 Mobilisation for the National
 Learning Standards (MNLS)
 47–8
 modern nation-state 18

- Moschetti, M. 172, 176, 178
- Movement for the National
Common Base (MNCB) 43
- Naidu, Chandrababu 114
- Nambissan, G. 107, 119
- National Alliance for Public
Charter Schools 157
- National Program of
Self-Management for
Education Development
(PRONADE) 29–30
- A Nation at Risk* 152
- neo-institutionalism 18
- neoliberalism 149, 150
- neoliberal reforms 2
- network ethnography 39
- network governance 3
- new philanthropy 39
- basis for action, ‘studies’ and
reports 42–4
 - Brazilian education
policy-making 42–8
 - education policy-making and
40–42
 - meetingness, networking and
advocacy 45–7
 - networking, coalitions and
working with state 47–8
 - working with press, specialist
creation 44–5
- News Corp’s Amplify 118
- non-governmental organizations
(NGOs) 58, 62, 146
- “non-profit,” companies 45
- “non-profit” magazines 45
- nonprofit organizations (NPO) 90
- non-state actors 3
- Nova Escola* 45
- Obama, Barack 53, 155
- Olmedo, A. 121
- Partnership Schools for Liberia 27
- Pearson 109, 110, 141
- Pearson Affordable Learning Fund
(PALF) 26, 109, 115–17, 120
- Peroni, V.M. 41
- philanthro-capitalism 121
 - philanthropy strategies 39–50
 - policy entrepreneurs 43, 44, 49
 - policy transfer dynamics 17–20
 - ponzi scheme 119
 - pragmatism 97
 - private actors 54, 65
 - private corporate actors 58
 - private kindergartens 137
 - private schooling, promotion 16–33
 - private schools 1, 7–9
 - in China 68–82
 - supply-side subsidies, Buenos
Aires 86–90
 - private sector 4
 - private-sector engagement 52
 - private subsidized schools 87
 - privatization 1, 6, 9, 27–31
 - catastrophe 27, 32
 - reforms 32
 - right to education 122–6
 - privatization by default 31
 - in low-income countries and
23–7
- Program of Autonomous Schools
(PEA) 29
- Program of Education with
Community Participation
(EDUCO) 28–9
- pro-private sector policies 18
- public education 1, 2, 4
 - disinvestment in 111–14
 - neoliberal reforms 111–14
 - privatizing, in USA 148–63
- public management policies 2, 3
- public management reform 3
- public schools 7–9, 78
- rationalism 18
- Reagan, Ronald 150, 151, 153
- reasonable return of investment 71
- Reckhow, S. 40

- reforms, legitimization process 10
- Reynolds, K. 40
- Right to Education (RTE) Act (2010) 107, 113, 122–6
- rural–urban migration 69
- Saad, David 41
- school-based management (SBM) programs 29, 30
- school entrepreneurs 75–8
- school tuition organizations (STO) 158, 159
- second-order competition practices 88
- Sellar, S. 43
- Sellar, Sam 7
- Senna, Viviane 44
- shared value concept 64
- Shishu Niketon* approach 139, 140, 143–5
- Snyder, J.W. 40
- Solinger, D.J. 82
- Southern Tour 69
- Srivastava, P. 27, 90, 120, 121
- stakeholder critics 170
- state bureaucracy 2
- state-funded low-fee private primary schools (S-LFPSs) 86
- state-funded low-fee private schools (S-LFPS) 89, 90
- in Buenos Aires 85–101
- competing with government schools 93–5
- methodological and conceptual considerations 90–93
- state monopoly 2
- Steiner-Khamsi, Gita 7
- Sustainable Development Goals 171
- Syrian refugee children 55
- Syrian refugee education
- businesses roles 54–5
- humanitarian-oriented motives 61
- issues 59–61
- mass proliferation and limited coordination 59
- motivations 61–2
- non-state participation in 57–8
- private/non-formal schooling 60–61
- private participation in 52–66
- profit-oriented motives 61–2
- technology, dominance 59–60
- Systems Approach for Better Education Results (SABER) 142
- tax-credit scholarships 158
- Thatcher, Margaret 150
- Todos pela Educação (TPE) 40, 44
- Tooley, James 26, 115
- traveling policies 6
- Trump–DeVos budget proposal 162
- Trump–DeVos regime 162
- Turkey 56
- UK Department for International Development (DFID) 25, 26
- UN Committee on Economic, Social and Cultural Rights (CESCR) 181
- UN Committee on the Rights of the Child (CRC) 181
- unfair competition 85–101
- United States
- academic failure 160–63
- charter schools and vouchers 157–9
- corruption 160–63
- education in democracy 148–51
- market-driven reform 151–4
- movement, building 155–7
- neoliberalism 149, 150
- racial segregation, schools 149
- reforms, anatomy 157–9
- segregation 160–63
- UOL Educação* 44
- Urry, J. 45

- Van Zanten, A. 91, 95, 100
Verger, Antoni 6, 7, 172, 176, 178
vocational schools 78
- Wall Street Journal* 4
Woods, P. 91
World Bank 24, 25, 28–30, 109,
142
- World Development Report 2018*
25
World Humanitarian Summit 53
- Xi Jinping 80