**Abstract**

The right to education is a fundamental enshrined in the United Nations Convention on the Rights of the Child. It derives its importance from the dispositive role of education at both the individual and the societal levels. At the latter level, a high-quality and equitable education system propels economic growth and promotes social cohesion. At the individual level, education underpins social mobility, equal opportunity, and narrowing of socioeconomic gaps.

One of the principal challenges that education systems face concerns how to mitigate the segregation and exclusion of disempowered groups. A quality public-education system can promote social justice by accommodating these groups integratively, encouraging social mobility, and maximizing the participation of the disempowered in society. The state’s responsibility for equal public funding of education is seen as a manifestation of civic solidarity and responsibility. This outlook was challenged by the neoliberal approach that evolved in the 1980s.

Pursuant to the consolidation of neoliberalism and the spread of globalization, education systems around the world have undergone multiple changes. These changes are typified by the infiltration and entrenchment of economic considerations that favor the decentralization of public education as part of the broad trend of privatization in the public services (Abrams, 2016; Apple, 2010; Ball, 2016; Ball & Youdell, 2008). In education, this tendency finds expression in the development of quasi-market mechanisms, with all of their characteristics.

In the aftermath of this process, various models of schools have developed. The force behind their evolution the “choice reform,” which gave parents a broad range of options among public schools in and away from their enrollment districts (Ladd & Fiske, 2020).

Parental freedom to choose their children’s schools is typified by striving for quality and effectiveness that aim to promote competitiveness. These outcomes may clash with the goals of equality and social fairness, which aim to promote social cohesion. This debate is valid within the accepted theoretical framework in this field, which emphasizes the trade-off between freedom of choice and equity (Levin, 2018). It is in response to this trend that the “special schools” model gained traction in Israel.

Israel is an interesting example in this context due to its diverse population. Its education policy has long aspired to promote the value of equality of educational opportunity by means of two education laws that were enacted shortly after it gained independence (Knesset, 1949; 1953). For many years, however, the country has experienced wide educational disparities by the standards of other member states of the Organisation for Economic Co-operation and Development (OECD, 2018), as reflected in students’ achievements (Ben-David, 2018a; Hadar, 2014).

Various models of schools that developed top–down in the wake of the parental-choice reforms have been examined in the professional literature (Goldring & Swain, 2020; Abrams, 2016; 2019; Betts & Cao, 2020; Betts et al., 2015; Ferrare, 2020; Gorard, 2014; Siegel-Hawley & Frankenberg, 2012; Wang & Herman, 2017; Ladd & Fiske, 2020; Gill & Nichols-Barrer, 2015; Smrekar, 2020). Overlooked in the literature, however, are cases in which parental-choice reforms in schools emanated from the educational frontlines—bottom-up—and not at governmental initiative. An attempt to fill this lacuna follows.

This study examines education policy in Israel at two levels: de jure and de facto. De jure policy is manifested in documents and interviews with national-level policymakers; de facto policy is the policy applied in practice; we investigate it by mapping and examining key patterns of processes that unfolded when the choice of a special school was made. All dominant players in the policy arena, and the extent of their influence, are treated from a holistic perspective.

This study has a composite purpose. First, we analyze de jure and de facto policy issues pertaining to the development of Israel’s special-schools model over some four decades, basing ourselves on tension between two fundamental values: freedom of choice and equity. We will examine the extent, if any, to which Israel’s education system promotes equity for all population groups. We will also gauge the strength of the education system’s effort to promote the principle of freedom of choice and parents’ right to determine the nature of their children’s education in view of dissatisfaction among broad population groups and its results.

Finally, we will analyze the extent of the (dis)accordance and tension that arise in the blending of de jure policy and de facto policy as reflected in the way parents choose these schools, including their considerations in making this choice. Also examined are the social implications of the special schools’ existence and the tension that has surfaced due to the advancement of educational policy in view of the clash and tension between the values of freedom of choice and equity.

To carry out this study, we developed an innovative critical model based on a composite of two interpretive models: a five-phase model for critical analysis of policy following the values elucidated by Schmidt in the field of public policy (Schmidt, 2006). To adapt this model to education policy, we reference the first fundamental in the conceptual model that Brighouse et al. describe in their book *Educational Goods* (2018). We use the resulting composite interpretive model to analyze the tension and the extent of (dis)accordance of the two levels of policy, which express a clash between two basic values, and then broaden our gaze to the full set of values that should be taken into account in the field of education policy. This tension between the two tiers of policy and the collision and tension between the basic values are reflected in the special-schools model. The composite model will be helpful in determining which policy is the best to promote.

Our main research question is: What tension exists, and how much (dis)accordance is there, between the de jure policy toward special schools, as formulated in Israel over four decades, and the de facto policy that finds expression in the processes of choosing the schools today.

This qualitative study invokes a critical methodology that combines two research approaches. First, we used critical hermeneutics (Dushenik and Tzabar Ben-Yehoshua, 2016; Yerushalmi and Lichtentritt, 2010; Josselson, 2004) to examine de jure policy by studying interviews and policy documents. To analyze the de facto policy, we undertook a multiple-case investigation (Stake, 2006, Yazan, 2015; Yin, 2014) of three special schools by means of purposive sampling. The considerations behind our choice of these schools were, *inter alia,* their accessibility to research, their representation of different population groups and types of specialness, the wealth of data that they afford, and the degree of cooperation that we received from main stakeholders in the policy arena.

The research data were collected in 2018–2023 using three tools:

**Semi-structured in-depth interviews**—(1) with key players involved in national-level policymaking: a former Director General of the Ministry of Education and a national specialist on parental-payments policy and enforcement in the past; in order to form an impression of the processes that helped to develop the special-schools model from their standpoint (Shkedi, 2014); (2) with key players currently responsible for and involved in the parental-choice processes: directors of the education and registration departments of the local authorities to which the selected special schools belong; former and incumbent principals of the selected special schools; teachers from the faculties of the selected special schools; and parents who chose special schools for their children. Forty-nine interviews were held in all (n=49) in order to get an impression of the policies actually practiced in the schools from their perspective (ibid.);

**Observations—**at the three special schools studied and in the course of an “open day” for parents;

**Organizational information**—including policy documents such as position papers; circulars from the Director General of the Ministry of Education; minutes of meetings of the Knesset Education Committee; Supreme Court rulings; and documented organizational materials associated with choosing and registering for the selected special schools, including information from the schools’ and local authorities’ websites (Dushenik and Tzabar Ben-Yehoshua, 2016; Shkedi, 2014).

The data were subjected to a three-part content analysis (Braun & Clarke, 2022; Braun et al., 2019):

**Part 1—analysis of de jure policy.** We built an integral data matrix that contained policy documents and transcripts of interviews with the national-level policymakers whom we chose for the study. Three main themes were examined: (1) how the phenomenon evolved; (2) how the definition of the special schools developed over time in view of the schools’ diverse aspects, on the basis of the policy documents; and (3) the identity of the two dominant groups of players—parents and local authorities—and their relationship. This analysis elucidated the policy that took shape over time and allowed us to estimate the weight of each of the values, choice and equity, within the policy formulated.

**Part 2—analysis of de facto policy.** We analyzed the data collected from the three research cases in two main ways: detailed within-case analysis, followed by cross-case.

For each of the three cases in the study, we analyzed the process of choice from the standpoint of each group of players in accordance with the following main themes: (1) local policymakers and school administrators—identifying and analyzing the three predominant characteristics of the special school that were found relevant for understanding how parents made their choice; (2) mapping and evaluating the process of choice in all of its stages; and (3) from the parents’ perspective—identifying the main considerations that guide parents in choosing schools and mapping them by means of an adaptation of Bronfenbrenner’s model to education policy (Zavelevsky & Shapira Lishchinsky, 2020).

At the end of this stage, we summarized each of the cases and identified themes that were shared or not shared by the cases (Yazan, 2015).

**Part 3—drawing up a “balance sheet” of de jure versus de facto policies.** First we harvested the findings from the three themes that may shed light on the way the de facto policy is fulfilled in contrast to the de jure rules and regulations. In this manner, we identified the tension between the two levels of policy and estimated the share of each value—choice and equity—in the stages of applying the policy.

In sum, the conclusions emerging from the joint analysis (Yazan, 2015) were specified in a manner that made it possible to position each school on a scale from strong accordance to strong disaccordance between the two policy levels.

We then analyzed the findings obtained for each policy level and the balance between them by inserting them into the new interpretive model that we developed for this study. We mapped the findings thus obtained by using the new model in order to examine, from a critical-interpretive perspective, the policy toward the special-schools model on the basis of the values and rationales on which the model rests.

The findings yield three main conclusions:

1. **The de jure policy and the de facto policy are not in accordance.** The mismatch is indicative of broad inequality although it varies in extent from one school to another. Despite the development of regulation[[1]](#footnote-1) in the spirit of the de jure policy from 2011 on, expressed in director general’s circulars that have been formulated and litigated in courts over the past 10 years, the mismatch between the two levels of policy persists. It is manifested both in regard to the special schools’ operating principles and in the way the process of parental choice is carried out.
2. **The center of gravity in policymaking has shifted from central government to parent groups with local-authority support with neither primary nor secondary legislation in evidence. This state of affairs has led to the consolidation of operative norms that clash with the rules and regulations that the official education policy laid down.** Wefound that the establishment of the special schools moved from the bottom up—from local initiatives by dominant groups of parents who received encouragement from local authorities and tacit consent from the Ministry of Education, all of which without main legislation.

The special schools, we found, were among the first to put parental choice and involvement to practical use. These trends proved especially pleasing to parents and school faculties and were perceived as helping to improve the educational act. We drew two main conclusions from these findings. One relates to the immense power and influence amassed by the groups that took the initiative—parents and local authorities—in treating a phenomenon perceived as especially successful; the other concerns the extent of central-government ambivalence as the schools were being set up.

These conclusions point to a change in the balance of forces between central government, which adopted a policy of reaction as opposed to initiative in confronting the phenomenon, and the dominant groups of players, who took active steps to promote and grow the model. Accordingly, the leading value in this area of relations is parental autonomy, leaving the value of equity behind. These conclusions join those of previous scholars who investigated the change that occurred in the center of gravity of policymaking and found that the incursion of additional private-sector and civil-society players to the policy field is increasingly facilitated by the key processes—decentralization, privatization, and quasi-market mechanisms—that typify the neoliberal ideology. This change is eroding centralized authority and abetting the development of new forms of educational governance known as “policy networks.”

1. **The process of choice that reflects the application of the de facto policy from the system’s point of view accommodates covert mechanisms that encourage trends of separatism and selectivity—**promoting the entry of socioeconomically homogeneous populations and abetting the exclusion of disadvantaged population groups.

From a system-driven (“top–down”) perspective––we found that the three local authorities to which the schools belong, as well as the schools themselves, do groundwork for parents’ choice and registration during almost the entire school year (October–May) with the participation of various elements from the local authority, the schools, and the schools’ parental leadership. In certain segments of the processes examined, covert mechanisms of various magnitudes that, as stated, promoted tendencies to separatism and selectivity, were found in all three cases.

1. **The main considerations that guide parents in choosing schools are associated with the three environments that represent parents’ conceptualizations—policy, community, and organization—and are discordant with the de jure policy in a large majority of instances.**

From a “down–up” perspective—the considerations that guide parents in choosing schools are specified below in order of their perceived importance: (1) considerations associated with parents’ dissatisfaction with education-system policies that motivate them to seek an alternative to the “regular” schools; (2) community-related considerations that flow from the importance parents attribute to belonging to a distinct community that shares their outlooks, and from their willingness to invest effort in building such a community; (3) considerations related to the organization (the special school), which parents perceived as delivering a superior educational response due to its small size and, in turn, its low teacher–pupil ratio and high pedagogical flexibility; (4) personal considerations tied to the situation of the parent or the child.

1. **The special schools vary in their pattern of operations, reflected in the (dis)accordance of the de jure policy with the singular characteristics of the school and the processes by which it is chosen.** There are two main archetypes of special schools in Israel. The first model fully sustains “specialness” in day-to-day routine work but deviates somewhat from some of the established rules and regulations, creating the appearance of equity. This model successfully attenuates the structural advantages of the specialness model in two senses: the matter of open districting, by giving residents of the district priority in choosing schools, and the question of parents’ payments, by having no parents’ association and strictly limiting parent payments to the maximum approved for special schools under a 2023 circular from the Director General. The one school in our study that adopted this archetype, however, allots more Ministry of Education standard classroom hours than do the other two schools.

The other archetype, represented by the other two schools, fully maintains specialness in routine work but deviates in all parameters examined from the rules and regulations established, thereby creating inequity in its manner of conduct.

In sum, the findings of the study underscore the mismatch of the two levels of policy, de jure and de facto. It is found that despite the call for equity reflected in the education laws and regulations that were formulated in regard to the special schools, the dynamic mirrored in the processes of establishing and choosing them sustains a state of structural inequality vis-à-vis many population groups.

The findings of this study yield theoretical and applied insights into policy toward the special-school model. At the theoretical level, it contributes to **developing a new conceptualization for the analysis of policy issues**, predicated on tension between values. As stated, our composite model is based on an interpretive approach that seeks to examine policy conflicts by treating the objectives and values of policy as topics for analysis, in contrast to a value-neutral or a value-commitment approach. Given the focus of this study on a controversy over fundamental values, the composite interpretive model, which expands the observation to the full set of values that should be taken into account, is found suitable and potentially helpful for future policy studies grounded in tension among values.

At the applied level, the findings indicate that to mitigate the tendencies to inequality that are reflected in the special-schools model, conceptual change at several levels is needed. At the level of national governance, action should be taken to promote legislation concerning the special-schools model that will comprehensively regulate the ways these schools are set up and run. At the level of national and local governance, joint action is needed to establish and deploy special schools in areas inhabited by disadvantaged population groups, which are unaware of the initiative to establish a special school—or to convert an existing school into one—or, if aware of the initiative, are unable to apply it. Similarly, national-level policymakers should aspire to a balanced distribution of special schools across the districts, not leaving the initiative in this matter to parental elements only. To keep the public education system public and promote social cohesion, these initiatives will need an investment of resources from the national echelon. Second, we recommend the adoption for the special schools of an archetype model that will attenuated the schools’ structural advantages in demarcating enrollment districts and enforcing permission to charge parents on the basis of the director general’s circulars. The application of these recommendations would help to make special schools accessible to broader and more diverse population groups and strengthen public education for the betterment of the common good.

1. “Regulation” here denotes the control of various activities by means of main legislation, secondary legislation, rules, orders, and administrative directives. It is a key policy tool. It is meant to guide the total matrix of national life in terms of the behavior of corporations and organizations that deliver goods and services to citizens and it determines the extent of state authorities’ involvement in the doings of private entities in the defense of economic and social interests. In one of its resolutions, the Government of Israel defined regulation as “primary or secondary legislation, of statutory effect, that establishes a binding rule behavior within the framework of economic or social conduct and is enforceable by a competent administrative authority by law (Government Resolution 2118, October 22, 2014). [↑](#footnote-ref-1)