**Abstract**

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

One of the principal challenges that education systems face is reducing the segregation and exclusion of disadvantaged groups. A quality public education system can promote social justice by integrative inclusion of these groups, encouragement of social mobility, and maximization of the participation of the disadvantaged in society. The state’s responsibility for equitable public funding of education is perceived as a manifestation of civic solidarity and responsibility. This view was challenged by the neoliberal approach that evolved in the 1980s.

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

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

Parents’ freedom to choose their children’s schools is characterized by a striving for quality and effectiveness that aims to promote competitiveness. These parental goals may clash with those of equality and social fairness, which aim to foster social cohesion. This debate is valid within the accepted theoretical framework in this field, which emphasizes balancing between freedom of choice and equity (Levin, 2018). It is in response to this trend that the “choice schools” model has emerged 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 through 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 compared to the standards of other OECD member states (OECD, 2018), as reflected in students’ achievements (Ben-David, 2018a; Hadar, 2014).

Various models of schools that developed as the result of government-initiated choice reforms—top-down—in the wake of the parental choice reforms have been examined in the professional literature (Abrams, 2016; 2019; Betts & Cao, 2020; Betts et al., 2015; Ferrare, 2020; Gill & Nichols-Barrer, 2015; Goldring & Swain, 2020; Gorard, 2014; Ladd & Fiske, 2020; Siegel-Hawley & Frankenberg, 2012; Smrekar, 2020; Wang & Herman, 2017). Overlooked in the literature, however, are cases in which parental-choice reforms in schools emanated from the educational field itself rather than having been initiated by the central government—bottom-up. This research seeks to fill this lacuna.

This study examines education policy in Israel at two levels: *de jure* and *de facto*. De jure policy is found in documents and through interviews with national-level policymakers. De facto policy is the policy that is implemented in practice, which we investigate by mapping and examining key patterns of processes that unfolded when a choice school was selected. This research takes a holistic approach, examining all the dominant actors in the policy arena and the extent of their influence.

The purpose of this study is multifold. We first aim to analyze de jure and de facto policy issues pertaining to the evolution of Israel’s choice schools model over the past four decades, a development that is rooted in the tensions between the two fundamental values of freedom of choice and equity. We will examine the extent to which Israel’s education system promotes equity for all population groups, if at all. 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, particularly in light of widespread dissatisfaction with its results.

Finally, this study analyzes the extent of the (mis)alignment and tension that arise in the blending of de jure policy and de facto policy as reflected in how parents choose these schools, including their considerations in making their choices. Also examined are the social implications of the choice schools’ existence and the tensions created by advancing educational policy in light 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 the integration 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); and the first principle from the conceptual model of Brighthouse and colleagues described in their book *Educational Goods* (2018), adapted to educational policy. We use the resulting composite interpretive model to analyze the tension and the extent of (mis)alignment of the two levels of policy, which express a clash between two fundamental values. We then broaden our inquiry 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 choice schools model. The composite model will be helpful in determining which policy is the best to advance.

Our main research question is: What tension exists, and how much (dis)accordance is there, between the de jure policy toward choice schools, as formulated in Israel over four decades, and the de facto policy that finds expression in the current selection processes for these schools?

This qualitative study employs a critical methodology that combines two research approaches. First, we used critical hermeneutics (Dushenik & Tzabar Ben-Yehoshua, 2016; Yerushalmi & 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 choice schools using purposive sampling. The considerations behind our choice of these schools were, among other factors*,* their accessibility to research, their representation of different population groups and types of choices, 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 actors involved in shaping national policy: a former Director General of the Ministry of Education; a former and current director of the Department of Experiments and Entrepreneurship at the Ministry of Education; the coordinator of the Committee for Choice Schools; and a former national representative for parental payments and enforcement. These interviews aimed to gain insights into the processes that contributed to the development of the choice schools model from the interviewees’ perspective (Shkedi, 2014);

(2) with key actors 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 choice schools belong; former and current principals of the selected choice schools; teachers from the faculties of the selected choice schools; and parents who chose choice schools for their children. A total of forty-nine interviews were conducted (n=49) in order to gain insights into the policies actually practiced in the schools from the interviewees’ perspective (Ibid.);

**Observations:** at the three choice 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 choice schools, including information from the schools’ and local authorities’ websites (Dushenik & 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 chosen for the study. Three main themes were examined: (1) how the phenomenon evolved; (2) how the definition of the choice schools developed in its various aspects over time, based on the policy documents; and (3) the identity of the two dominant groups of actors—parents and local authorities—and their relationship. This analysis helped clarify the policy that took shape over time and enabled 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 a cross-case analysis.

For each of the three cases in the study, we analyzed the process of choice from the perspective 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 choice school that were found relevant for understanding how parents made their choices;

(2) mapping and evaluating the process of choice in all of its stages; and

(3) from the parents’ perspective—identifying the main considerations that guided parents in choosing schools and mapping these considerations by means of an adaptation of Bronfenbrenner’s model to education policy (Zavelevsky & Shapira Lishchinsky, 2020).

Upon completion of this stage of the research, we summarized each of the cases and identified the common and distinguishing themes among them (Yazan, 2015).

**Part 3—drawing up a “balance sheet” of de jure versus de facto policies.** First, we selected findings from the three themes that shed light on the way the de facto policy is carried out in contrast to the de jure rules and regulations. Using this process, we were able to identify the tension between the two levels of policy and estimate the weight given to each value—choice and equity—during policy implementation. 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 high to low alignment with the two policy levels.

We then analyzed the findings obtained for each policy level and the balance between them by applying 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 choice schools model, which is based on the values and rationales underlying this model.

The findings yield five main conclusions:

1. **The de jure policy and the de facto policy are not aligned.** The misalignment 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 directives from the Director General that have been formulated and litigated in courts over the past decade, the misalignment between the two levels of policy persists. This discrepancy is evident both in relation to the choice 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 supported by local authorities. This shift occurred in the absence of primary or secondary legislation. This situation has led to the consolidation of operative norms that clash with the rules and regulations specified by the official education policy.** Wefound that the establishment of the choice schools has followed a bottom-up approach, driven by 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 primary legislation.

The choice schools, we found, were among the first to actively implement parental choice and involvement. These trends enjoyed particularly high satisfaction among both parents and school faculties and were perceived as helping to improve educational practices. 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 light of the phenomenon being perceived as especially successful. The other concerns the extent of the central government’s ambivalence toward the establishment of these schools.

These conclusions point to a change in the balance of forces between the central government, which adopted a policy of reaction as opposed to initiative in confronting the phenomenon of choice schools, and the dominant groups of actors who took active steps to promote and advance the model. Accordingly, the leading value in this area of relations is parental autonomy, outweighing the value of equity. These conclusions conform to those of previous scholars who investigated the shift that occurred in the center of gravity of policymaking and found that the increasing entry of private sector and civil society actors into the policy arena is largely facilitated by the key processes—decentralization, privatization, and quasi-market mechanisms—that characterize neoliberal ideology. This shift leads to an erosion of centralized authority and the development of new forms of educational governance known as “policy networks” (Amiel & Yemini, 2023; Jobér, 2023; Robinson, 2015).

1. **The process of choice, which reflects the implementation of de facto policy from a systemic perspective, contains hidden mechanisms that encourage trends of differentiation and selectivity.** These mechanisms promote the entry of homogeneous populations from well-established socioeconomic backgrounds and contribute to the exclusion of disadvantaged population groups.

 From a system-driven (“top-down”) perspective, we found that in the three local authorities to which the schools belong, as well as in the schools themselves, there were preparatory processes for parents’ choice and registration that spanned almost the entire school year (October–May). These processes involved various actors from the local authority, the schools, and the schools’ parental leadership. Certain segments of the processes examined in all three schools contained hidden mechanisms of various magnitudes that, as stated, promoted tendencies to separatism and selectivity to various degrees.

1. **The main considerations that guide parents in choosing schools are associated with three spheres that reflect parents’ perceptions of policy, community, and organization. In most instances, these considerations do not align with de jure policy.**

From a “bottom-up” perspective—the considerations that guide parents in choosing schools (and their associated spheres) are specified below in order of their perceived importance: (1) **Policy sphere** considerations related to parents’ dissatisfaction with the education system’s policies. These considerations motivate them to seek an alternative to the “regular” schools; (2) **Community**-**sphere-**related considerations that stem 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) **Organizational sphere** considerations related to the organization (the choice school), which parents perceived as delivering a higher quality educational response due to its smaller size, lower pupil-teacher ratio, and greater pedagogical flexibility; (4) **Interpersonal sphere** considerations related to the situation of the parent or the child.

1. **The choice schools vary in their pattern of operations, which is reflected in the alignment of the de jure policy with the singular characteristics of the school and the processes by which it is chosen.** There are two main prototypes of choice schools in Israel today. The first model fully sustains its uniqueness in its daily routine work but deviates somewhat from some of the established rules and regulations, thus creating the appearance of equity. This model successfully attenuates the structural advantages of the choice model in two areas: the matter of open districting, by giving residents of the district priority in choosing schools, and the question of parents’ payments, by not having any parents’ association and by setting a strict ceiling on parents’ payments to the maximum approved for choice schools under a 2023 circular from the Director General. However, the one school in our study that adopted this prototype receives a greater allocation of Ministry of Education standard classroom hours than the other two schools.

The other prototype, represented by the other two schools, fully maintains its uniqueness in its daily routine work but deviates in all parameters examined from the rules and regulations established, thereby creating inequity in its operations.

In sum, the findings of the study highlight the misalignment of the two levels of policy, de jure and de facto. We found that despite the call for equity reflected in the education laws and regulations regarding choice schools, the dynamics reflected in their establishment and selection processes create and sustain a state of structural inequality toward many population groups.

The findings of this study yield theoretical and applied insights into policy toward the choice school model. At the theoretical level, it contributes to **developing a new framework for analyzing policy issues** that are rooted in tensions between values. As mentioned, 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 value-commitment approach. Given that this study focuses on a controversy over fundamental values, the composite interpretive model, which broadens the scope of the consideration to the full set of values that should be taken into account, has been found to be suitable and potentially helpful for future policy studies dealing with tensions among values.

At the applied level, the findings indicate that conceptual change at several levels is needed to mitigate the tendencies to inequality that are reflected in the choice schools model. At the level of national governance, action should be taken to promote legislation concerning the choice 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 expand choice schools in areas with concentrations of disadvantaged population groups, which are unaware of initiatives to establish a choice school or to convert an existing school into one—or, if aware of initiatives, lack the capacity to make use of them. Similarly, national-level policymakers should aspire to ensure a balanced distribution of choice schools across all districts, and not leave the initiative in this matter to parent groups only. Resources must be invested in such initiatives at the national level in order to maintain the public nature of the education system public and to promote social cohesion.

Second, we recommend adopting a prototype model for the choice schools that will attenuate the schools’ structural advantages, especially in terms of determining enrollment districts and enforcing parental payment ceilings in accordance with the Director General’s circulars. Implementing these recommendations would help to make choice schools accessible to broader and more diverse population groups and strengthen public education for the improvement of the common good.

1. “Regulation” here refers to the control of various activities by means of primary legislation, secondary legislation, rules, orders, and administrative directives. It is a key policy tool. Regulation 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 operations of private entities to protect 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)