

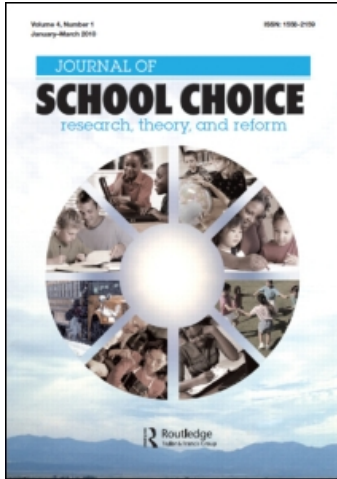
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Government, School Autonomy, and Legitimacy: Why the Dutch Government is Adopting an Unprecedented Level of Interference with Independent Schools

Sietske Waslander^a

^a TiasNimbas Business School, Tilburg, The Netherlands

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Government, School Autonomy, and Legitimacy: Why the Dutch Government is Adopting an Unprecedented Level of Interference with Independent Schools

SIETSKE WASLANDER

TiasNimbas Business School, Tilburg, The Netherlands

When looking at independent schools, the Netherlands is often mentioned as a prime example of school autonomy. Rooted in the constitution, the Dutch education system is build upon a combination of public funding and private operation. After almost a century of independent schools, the Dutch Government adopted a law recently which enables unprecedented levels of interference. Some claim unconstitutional levels of interference. In this paper I analyze the rationale behind the new law, including the social and political context. Although this analysis applies to small European country, the dynamics behind government interference has important implications for independent schools elsewhere.

KEYWORDS *governance, independent schools, school autonomy, legitimacy*

INTRODUCTION

The Netherlands is often seen as a prime example of the benefits of publicly funded and privately operated schools (independent schools). Arising within a society that was deeply divided along religious lines, and after almost a century of political conflict, independent schools became protected by the constitution. Although the dual system of publicly and privately operated schools has undergone repeated adaptations throughout the past century, not a single word in that section of the constitution has been changed.

Address correspondence to Sietske Waslander, Professor of Sociology, Center for Governance of the Private Public-Sector Enterprise, TiasNimbas Business School, PO Box 90153, 5000 LE Tilburg, The Netherlands. E-mail: s.waslander@tiasnimbus.edu

Recently, however, Parliament passed a bill that entails an unprecedented level of government intervention in independent schools. In this article, I consider factors that led to this radical policy shift, as well as the broader implications that the Dutch case may have with regard to limitations on the autonomy of independent schools.

To provide the reader with a proper understanding of the context, this article starts with a brief outline of the roots of the Dutch dual system. The focus then shifts to the bill titled *Good Education, Good Governance* (2009) that was recently passed by Parliament. The article considers the government's rationale for this bill, the conclusions of the advisory councils, and the reactions of schools. In light of the articulated reasons, advice, and support from the schools, the passing of the bill is something of a mystery.

To explain what happened, I turn to the broader issue of legitimacy. A detailed analysis of the public debate indicates that the legitimacy of schools, particularly secondary schools, came under considerable pressure in recent years. This raised a question that could be sensitive for independent schools anywhere: What can independent schools do to prevent governments from interfering?

In this article, the term *independent schools* refers to publicly funded and privately operated schools. The majority of students in primary and secondary education (71%) attend an independent school (Statistics Netherlands, 2009). Also in this article, schools that are funded and operated by governmental bodies are referred to as *public schools*. The term *private schools* refers to privately funded and privately operated schools. In The Netherlands, one consequence of the early adoption of full public funding is that the private education sector has remained small (Dronkers, 1995). There are no accurate numbers of students attending private schools. Estimates range between 0.1% and 1% in primary and secondary education (de Regt & Weenink, 2005; Sontag, Siesling, Mariën, & Kolen-van Loon, 2009).

Duality Rooted in Divides

A proper understanding of the current issues concerning the governance of schools requires a basic level of familiarity with the roots of the dual system in The Netherlands (Boekholt & de Booy, 1987; Dijkstra, Dronkers, & Hofman, 1997; Dijkstra, Dronkers, & Karsten, 2001; Dodde & Leune, 1995; Dronkers, 1995). The "school struggle" is rooted in the heart of the formation of the Kingdom of The Netherlands in the 1830s. In the late 18th and early 19th centuries, not long before the formation of this state, laws were introduced to ensure that the minority of Catholics living in this territory were treated the same as the dominant Protestant majority. Compulsory primary education was introduced in 1806 and extended in the following years. Founded on the principle of separation of church and state, the newly formed kingdom made an attempt to introduce "neutral" public education

for all children. This attempt failed for various reasons. Until then, public education had been, in effect, Protestant education, in accordance with the religion of the dominant majority. In a sense, schools were Protestant by default. Two examples may illustrate just how Protestant neutral schools were at the time. The first example involves the law. Although the aim was to introduce nonreligious education, the law required schools to educate children in “social and Christian virtues.” The second example involves actual practice. To enable all children to attend school, the “association for the common good” was involved in many public schools. This association explicitly claimed to be neutral and nonreligious. Nonetheless, several of the public schools operated by the association prohibited Jews from attending on the basis of their religion (Boekholt & de Booy, 1987).

The shift from Protestant public education to nonreligious education proved difficult (Oud & Bosmans, 1987). The Protestant majority considered the former “public” (but, in effect, Protestant) education as their right, and they perceived the introduction of nonreligious schools as a heartfelt loss. The Catholic minority hoped to enact its newly gained equal rights by starting Catholic schools, just as their Protestant fellow citizens. This hope often proved idle. The first phase of the school struggle came to an end when—after almost four decades of trying—the aim of one public nonreligious school was set aside. From then on, religious schools were allowed in the system, although only nonreligious schools were publicly funded. As observed earlier, the issue of religious schools lay at the heart of the newly formed nation and represented a deep divide. This divide existed not only in terms of religion, but also in terms of power relations between the more affluent Protestant majority and the disadvantaged Catholic minority. The broader context of the school struggle may help to explain how the recognition of religious education found its way into the first constitution of the Kingdom of The Netherlands (1848).

Regardless of its inclusion in the constitution, the right to nonreligious education in no way represented the end of the school struggle. Although different schools had been allowed since the middle of the 19th century, only nonreligious schools were funded by the government. Religious action groups, which were formed to fight for public funding for their schools, transformed into political parties to pursue their quest in Parliament. In contrast, the liberals continued to cling to the ideal of a single public school. Neither the religious parties nor the liberal parties formed a majority in Parliament. The issue of school funding became an insurmountable obstacle between political parties. This situation affected decision making in many issues, not only those involving education, thereby paralyzing the political process. After the recognition of religious schools, which resolved the first phase of the school struggle, more than half a century passed before a solution was reached that satisfied the liberal and religious parties. The agreement is often summarized as a trade-off: male suffrage was granted

to the liberals, whereas religious parties were awarded public funding of religious schools. Given that the school struggle had already made its way into the constitution (and given the long and bitter fight preceding the consensus), it comes as no surprise that the outline of the new ground rules required a revised constitution. In 1917, the wording of Section 23 of the constitution brought an end to more than a century of school struggle. Testifying to the delicate compromise that had been reached, no word has changed since. The interpretation of the law, however, has changed over the years. For this article, the current reading of Section 23 can be summarized as follows (Mentink & Vermeulen, 2001).

Education is a subject of continued attention for the government. The provision of education is free, but all schools are under the scrutiny of and subject to inspection by the government. Private providers who comply with certain funding requirements specified in the law are eligible for equal funding. All schools are expected to provide adequate education, and the inspectorate ensures that this occurs. These regulations must always respect the freedom of providers, particularly with regard to their own choice of learning materials and the hiring of teachers. Public education respects all religions and worldviews. Every local government is expected to provide public education in a sufficient number of schools, thus ensuring that every child is able to attend a public school.

It is interesting to note that any combination of the words *responsibility* and *government* was carefully avoided. Also note that the text of the legislation makes a distinction between funding requirements and regulations referring to adequate education. This distinction plays an important role in the current discussion on governance and government intervention.

Given the context of Dutch society in 1917, freedom of education denoted first and foremost the freedom of religion and, as a consequence of this right, the freedom of school boards to start and operate their own schools. To protect this right, schools were also free to choose and follow their own pedagogical visions. It is important to observe that the intention in that period was not to provide a constitutional right of parental choice as it is understood today (see also Dronkers 1995). In fact, the word *parent* does not appear in Section 23 of the constitution. That is not to say that parents played no role. They did, in their capacity as members of school boards of independent schools. Expressed in contemporary market terms, the freedom of education was intended as a freedom on the supply side, not on the demand side.

In summary, the dual system of public and independent schools in The Netherlands was the result of a carefully crafted compromise after more than a century of political struggle. This struggle was rooted in the formation of a nation state that was deeply divided by religion. The compromise emerged in two steps. First, religious schools were recognized; second, all independent schools became eligible for public funding. This compromise followed

a failed attempt to introduce nonreligious public education for all children. The freedom secured in the constitution was primarily intended to enable school boards to start and operate their own schools.

Good Education, Good Governance

The Dutch constitutional freedom of education has been debated repeatedly over the past century. At present, important points of discussion are publicly funded Islamic schools (e.g., Driessen, 2000; Karsten, 2006; Shadid & van Koningsveld, 2006) and school segregation (e.g., Karsten et al., 2006; Ladd, Fiske, & Ruijs, 2009; Rijkschroeff, ten Dam, Duyvendak, de Gruijter, & Pels, 2005).¹ This article puts the focus on a development that, in light of the history and context of freedom of education in The Netherlands, is noteworthy. The current governance issues surrounding independent schools in The Netherlands may be an indication for broader issues elsewhere.

In late 2009, Parliament passed a bill titled *Good Education, Good Governance* (Ministry of Education, Culture and Science, 2009). The bill opens the door to an unprecedented level of government intervention in independent schools. Some claim that the bill runs counter to the constitutional freedom of education. The section begins by presenting the government's rationale for the bill and outlining two of its most important elements. Next, the main issues are summarized, which raise a pressing question that will be addressed in the following section: Why did Parliament consider it necessary to break with the long tradition of school autonomy?

The Bill: Government Rationality and Interventions

The ministers of education stress that the increasing autonomy of school boards raises questions regarding how the government can guarantee the basic quality of education, as required by national and international law (House of Representatives, 2009b). They assert that the quality of education is at stake, that a bottom line is required, and that this bottom line requires a legal status. To keep pace with autonomous school boards, the government needs additional means of intervention. The ministers continue by stating that funding requirements would provide such means. In other words, additional criteria should be formulated for schools in order to be eligible for public funding. The explanatory memorandum accompanying the bill specifically mentions two cases calling for increased government intervention. The first involves underperforming schools that fail to improve sufficiently, or within the specified time, or both. Such schools are estimated to comprise 0.07% of all primary schools and 0.08% of all secondary schools. The second case involves mismanagement by school boards. Examples of three incidents are provided, each of which happens to refer to Islamic schools. Furthermore, the bill expresses a need to improve the quality of the

governing bodies of schools. These governing bodies should become more accountable to stakeholders, and internal control should also be improved.

The bill itself contains four elements: (a) minimum standards form part of the eligibility criteria for public funding, (b) the governance structure separates administrative and control tasks, (c) the minister of education can urge malfunctioning governing boards to fire board members and indirectly apply the sanction of withdrawing funding, and (d) codes of conduct established by councils of primary and secondary schools acquire a legal basis. The remainder of this article addresses only the first element while touching briefly on the second.

Minimum Standards as a Funding Requirement

To receive funding, primary schools are required to achieve minimum standards in Dutch language and mathematics. Secondary schools must achieve minimum standards in the national examination results of their students, regardless of the subjects that the students take. Dutch, English, and mathematics are compulsory subjects for all students. To avoid strategic behavior on the part of secondary schools, an additional indicator is included to measure the proportion of students who continue their education without delay. For both primary and secondary schools, standards are indicated by average test scores at the school level. A school's averages are compared with those of other schools with a similar student composition. Schools scoring less than the average for their subgroup of schools for 3 consecutive years are potentially in danger of losing their funding. Potential danger turns into actual danger for schools that are evaluated as "very weak" by the national inspectorate. In addition to test results, evaluations by the inspectorate are determined on the basis of a framework for assessing the learning process, as well as the school's ability to make and execute an improvement plan.

Governance Structure

To improve the quality of school governance, a school's administration must be conducted by people other than those who perform tasks related to the internal control of the school. Schools may choose between two administrative structures. The first option is a one-tier board that functions as a board of directors with executive and nonexecutive members. The second option is a two-tier board, consisting of a managing board and a supervisory board.

Reception of the Bill

The Council of State provides recommendations on every bill that an administration intends to send to Parliament. The council's advice on *Good Education, Good Governance* (2008) was unusually harsh. According to

the council, the problem that the bill is intended to address is unclear and the policies that are required to address possible problems are unknown or uncertain. The council further advised that, although the introduction of minimum standards and regulations regarding governance structure can be justified, they should be considered aspects of adequate education (and thus part of a framework used for inspection). The council saw no grounds for making such standards an element of eligibility for public funding. Building on these points, the Council of State argued that the bill runs counter to the constitution and opens the door to more government intervention in the provision and operation of schools (particularly in the case of independent schools) than is allowed by the constitution. The council adds specific critical comments regarding the formulation of minimum standards. In the council's view, such standards should at least be objective, measurable, linked to curricula, and expressed in terms of the value added by the school. In its recommendations, the council expressed doubt as to whether the proposal would fit these demands. They further recommended that the standards should be absolute rather than relative, because the application of relative standards would generate underperforming schools as an artifact of the definition.

The Education Council (2009), the most important advisory board for the minister of education, also made recommendations on the bill. After having advocated minimum standards for students for more than a decade, the Education Council endorsed the introduction of compulsory minimum standards. Nonetheless, they questioned the proposed manner in which the policy was to be implemented. As did the Council of State, the Education Council questioned relative standards. In their view, the adoption of relative standards would be tantamount to governmental acceptance of lower test scores for disadvantaged students. On the issue of governance, the Education Council argued that schools must be seen as communities and that governance refers to relations on the basis of reciprocity and sustainability (Education Council, 2008). In this view, accountability to stakeholders is thus crucial, and the council observes that the bill contains hardly any mention of this issue.

It is no surprise that organizations representing school boards aired their criticism clearly and repeatedly. Too much interference with independent schools, disproportional measures for all schools to cure problems in a small number of schools, growing bureaucracy, and an increasingly repressive role of the inspectorate are recurring themes in their criticism.

In response to the advice and criticism, several details of the bill were changed, leaving the elements outlined earlier intact. During the political debate first in the House of Representatives and later in the Senate, parties stressed the historic significance of the bill, yet no substantial amendments were made (House of Representatives, 2009a). The bill was approved by the Senate in February 2010 and took effect in September 2010.

A Puzzling Issue

The situation regarding the new legislation presents a puzzling issue. Why did almost all political parties agree on the bill, despite its highly critical reception by important main advisory councils and opposition from schools and school board councils? Why was there so much support for an unprecedented, and arguably unconstitutional, amount of government intervention? How are we to understand this aberration from a long history and tradition of freedom of education and school autonomy?

One possible interpretation points to a swinging pendulum regarding the preferred coordination mechanism in society: state, market, or civil society. This interpretation seems to hold at least part of the explanation. In The Netherlands, as in many other countries, preferences for coordination mechanisms shifted toward less government intervention and more market forces during the 1980s and 1990s (e.g., Chubb & Moe, 1990; Whitty, 1996). The combination of school autonomy, school competition, and parental choice was expected to create a quasimarket in education, which would benefit students, taxpayers, and society at large.

As part of policies aimed to increase school autonomy, public funding shifted from earmarking to lump-sum funding. At the same time, the financial risks carried by schools increased. These policies, particularly the funding changes, generated scaling-up of school boards governing independent schools. At present, several boards are acting as governing bodies for more than 35 schools.

A rapidly increasing number of local governments changed the governing structure of their public schools (Turkenburg, 2008). While the local government continues to act as provider of public education, a newly established foundation operates the public schools. These not-for-profit foundations act as independent agencies. The relation between the foundation operating public schools and local government is then expected to resemble the kind of relation already existing between local government and the boards of independent schools within its jurisdiction. In the past 10 years, the number of children attending public schools operated by independent foundations has doubled. The latest figures (from the year 2008) indicate that 3 out of 4 public schools are now operated by an independent foundation (i.e., Statistics Netherlands). At present, only 7% of all Dutch students in primary and secondary education attend a public school operated by local government.

After decades of policies aimed at increasing school autonomy, the political current shifted in the opposite direction. The idea that autonomy may have gone too far is gaining momentum. Given the belief that the worldwide financial crisis arose from a lack of government control and regulation, the call for increased intervention is extending beyond the banking sector into many areas of the public sector. In the specific case of education, a number of recent incidents have fueled the call for more government

intervention. These incidents share a few common characteristics. First, the quality of some school boards of independent schools has been called into serious doubt. In one case, the board took no appropriate action when the national inspectorate signaled serious quality deficiencies over several consecutive years. In another case, the board committed fraud by listing relatives on the payroll without their having performed any duties. Second, although the incidents are few, all of the boards involved happen to govern Islamic schools. Local and central governments have clashed repeatedly with these boards, leading the governments to conclude that the constitutional freedom of education may be used as a freedom to provide bad education. The possibilities for government intervention are considered too limited.

The notion of a swinging pendulum in preferences for mechanisms of coordination may explain the introduction (or reintroduction) of a certain level of government intervention. It cannot explain, however, the unprecedented forms that the level of intervention in education is now assuming. Preferences for different coordination mechanisms have changed at other times during the last century, without serious consequences for the constitutional rights of freedom for school boards. Never before has the government formulated additional eligibility criteria for public funding. Never before has the government formulated clear standards for language or mathematics, let alone the use of such standards as criteria for assessing eligibility for funding. Never before has there been so much political support across parties for such a radical intervention in independent schools. The puzzling issue remains: What happened?

Analyzing the Public Debate

For two reasons, analysis of the political debate on the bill alone is insufficient in order to solve the puzzle. First, analyzing the political debate without considering the wider public debate strips politics from its social context. Issues on the political agenda are often shaped by media attention. To understand the political debate, it is therefore important to analyze the broader public debate on education. Second, the *Good Education, Good Governance* bill does not stand alone; it has a longer history. An extended timeframe is therefore needed to trace the origins of the bill.

This section draws empirical research I have conducted with and without others (Waslander, 2006; Waslander & van der Weide, 2009). In successive studies, we have analyzed the public debate on education. In this article, I draw on articles published in three national newspapers. Our database starts at January 1, 1995, and comprises almost 15 years. Because the methodologies before 2006 are somewhat different from the setup after 2006, I refer to data from 1995 to 2006 as Study I and data from 2006 to 2009 as Study II. Before turning to the findings, I provide a short note on data collection and analyses of both studies.

Study I: January 1, 1995, to December 31, 2005

In the course of 2004, a heated public debate arose about educational innovation. The debate focused on two issues in particular: first, a new chain of private schools inspired by Sudbury Valley School (in Dutch, known as *Iederwijs*) and second, a pedagogy on the basis of social constructivist ideas called *new learning* (Simons, Linden, & van der Duffy, 2000). In that year, a research project was started to analyze the public debate and trace the roots of the controversy. Originally, data collection comprised newspaper articles published by five national newspapers, covering a period of 10 years, from January 1, 1995, to January 1, 2006. LexusNexus, a newspaper database, was used to select and collect the data. All articles including the words *Iederwijs*, *new learning* and its many synonyms, *educational innovation*, and related words were included. The three newspapers covering the majority of the public debate were part of the selection. The largest Dutch newspaper was not included in this database and was not part of the data collection. A reliability check, using paper clippings from this newspaper for a period of 3 months, showed little evidence of debate regarding that educational innovation in this source, despite its status as the largest newspaper in The Netherlands. Analyses revealed that the three most important newspapers covered 90% of the debates on *Iederwijs* and *new learning*. For consistency with Study II, the analyses in this article only include articles from these three newspapers.

The selection includes reports, editorial commentary, reporters' accounts, letters to the editor, and opinion columns. The database of Study I comprises 278 articles. More than 35% ($n = 99$) of these articles refer to education in general, whereas 40% ($n = 115$) refer specifically to secondary education. Less than 5% of the articles ($n = 12$) refer to secondary or higher vocational education.

For Study I, the texts taken from national newspapers were analyzed both quantitatively and qualitatively. For the quantitative content analyses, the texts were prepared for processing using the Simple Program for Instrumental Thematic Text Analyses, which was developed by Popping (2000) specifically for this project. A dictionary of concepts and associated search terms was also developed for the project (for details on method, see Popping, 2000). Analysis of the articles shows that 140 concepts were mentioned, including references to "old" and "new" forms of learning, frequently used terms (e.g., *competency oriented learning*, *problem-driven learning*, and *demand-driven learning*), knowledge references (e.g., professional knowledge, basic knowledge, factual knowledge), along with references to policy, political parties, innovation, science, and research. Separate categories were developed for words that were more determinant of the tone of a text than of its content (e.g., *shameful*, *repulsive*, and *disgusting*). After the content analyses were conducted with the Simple Program for

Instrumental Thematic Text Analyses, the resulting files were processed statistically using SPSS. Subsequent qualitative analyses were conducted using ATLAS.ti—a data analysis software—with the goal of reconstructing the debate chronologically in more detail.

Study II: January 1, 2006, to January 10, 2009

On the basis of the first study findings, a second study was started, using a different methodology. The aim of the second study is to provide a broader analysis of the public debate on education, without restricting it to innovation or other specific topics. The selection of articles was extended, and covers all articles on secondary education. In Study II, the collection of newspaper articles is limited to the three national newspapers that were found most useful in the first study. In line with the first study, the selection includes reports, editorial commentary, reporters' accounts, letters to the editor, and opinion columns. The database of Study II comprises 4,163 articles and covers the period from January 1, 2006, to October 1, 2009.

Given the amount of data and the laborious data preparation required for text analysis, detailed quantitative content analysis proved unfeasible for Study II. Instead, the content of each article was coded using a list of keywords. This list was derived during the coding process and resulted in 140 different keywords. Each article was given up to four different keywords. The majority of articles ($n = 3,378$; 81%) were coded with at least three keywords, whereas about half ($n = 2,246$; 54%) were given four different keywords. A third of the articles are news reports ($n = 1,341$; 32%), a quarter ($n = 1,127$; 27%) are background stories, whereas letters to the editor ($n = 515$; 12%) and opinion columns ($n = 648$; 16%) also amounted to a quarter of the articles. The most frequently used keywords were *teachers* ($n = 1,164$), *policy* ($n = 804$), *students* ($n = 801$), and *quality of education* ($n = 764$).²

For this article, the two databases were jointly analyzed. It is important to note that articles on Iederwijs and new learning are available for the entire period, January 1, 1995 to January 10, 2009. The more general public debate about education is available only for the period between January 1, 2006 and January 1, 2009.

Findings

Analyses reveal three phases in the public debate over educational innovation. The first, brief phase of the debate took place around the summer of 1998. This was the period in which the term *new learning* emerged for the first time in the national newspapers. This was the time new learning was introduced in schools. The second, longer phase (from late 1998 to the summer of 2004) was relatively calm. Neither Iederwijs nor new learning

was a topic of discussion during these years. It was during this phase (more precisely, on February 1, 2002) that the chain of Iederwijs private schools first opened its doors. Although the newspapers reported about this school during the ensuing months, it caused little upheaval. The third phase began in the summer of 2004, when a shift in the debate took place. Attention to Iederwijs—and later to new learning—exploded at this time. In this article, the story starts with this third phase of the debate.

Figure 1 illustrates the amount of attention that the national newspapers devoted to Iederwijs, new learning, and the quality of education in the period between January 1, 2004, and January 1, 2009. This attention is expressed as the number of articles per quarter. The figure shows that each topic has its own peak of attention, and that these peaks follow each other in time. As will become clear, this pattern indicates a broadening of scope in the debate. What started with a discussion on a small chain of private school spread to a broader issue on educational innovation, and it was followed by an even broader discussion on education quality in general. Building on both quantitative and qualitative analyses, I now try to reconstruct what happened in the public education debate during this time.

The figure shows a characteristic “summer dip” in media attention for both new learning and the broader issue of quality of education. In 2004 and 2005, the debate about Iederwijs follows a different pattern. Just before the start of the summer break, the public network broadcast a news item about the rapid growth of the chain of private schools known as Iederwijs. Three professors of economics responded in a national newspaper (Groot et al., 2004). They stressed the importance of knowledge, and they subsequently observed that Iederwijs was “the newest and most extreme example”

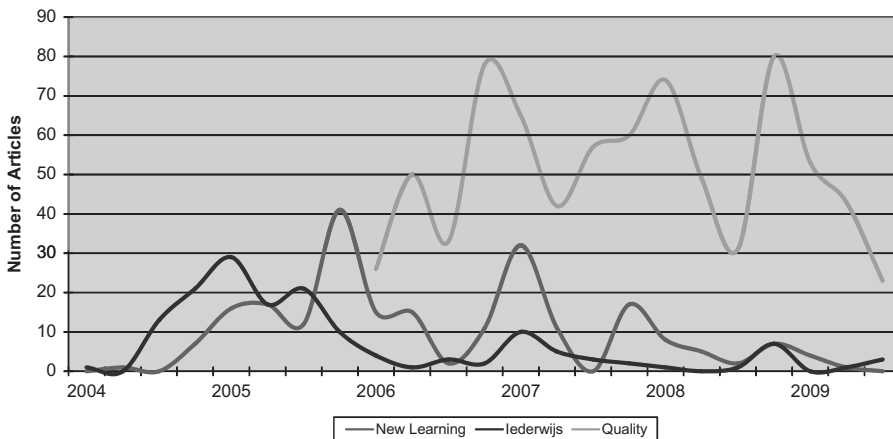


FIGURE 1 Number of articles in three Dutch national newspapers about Iederwijs, New Learning and Quality, per quarter (2004–2009).

of a trend in which knowledge was becoming increasingly unimportant. According to these scholars, *Iederwijs* involved “letting go of any pretense of imparting knowledge to children.” Despite the summer break, these statements unleashed the discussion over *Iederwijs*. The chain of private schools attracted attention and sparked intense discussions. In the media, an image emerged of *Iederwijs* as a rapidly growing number of schools in which the students were in charge and in which children did little more than play in the sandbox and build huts.

Not much later, the debate about new learning started. This debate started with a tragic incident when, on January 13, 2004, a teacher was shot to death by a student in the school cafeteria. The student was following a lower level vocational track, a sector within secondary education that had recently undergone major reforms. The ensuing debate concerned lower vocational education in more general terms, as well as the reform, which, at least in the press, was associated with the phenomenon of new learning. The debate about new learning reached its peak in the final quarter of 2006, when students of one particular school started a protest against the reforms the school had introduced. Their actions received national coverage that extended the scope of the debate. As Figure 1 shows, the new learning debate did not fade away as quickly as the debate about *Iederwijs*. The media attention on new learning follows a familiar pattern, with peaks flattening every time they reoccur.

The debate about *Iederwijs* and the debate about new learning reflect two fundamentally different discussions. *Iederwijs* involves a specific (and small) chain of private schools, whereas *new learning* is a broad term covering many educational innovations in various sectors. The number of national newspaper articles in which *Iederwijs* and new learning are directly connected to each other is also small ($n = 34$ for the entire period). Detailed analysis of the data from Study I (until January 1, 2006) show, however, that the debates have important similarities, in content and in tone. The quantitative text analysis shows that an emphasis on student-centered learning, the need and role of the education inspection, and references to playgrounds is specific for the debate on *Iederwijs*. Specific for the debate on new learning are references to the knowledge economy, competencies, and the role of teachers. Although the content of the two discussions may differ on a number of points, there is considerable overlap. It is unmistakable that the most dominant theme in both debates was the role and nature of knowledge. Arguments in favor of the reform and criticisms address the same issues. In this respect, the discussion was a true debate, in which people held differing opinions about the same topic.

The tone of the debates about *Iederwijs* and new learning also show similarities. From the summer of 2004 onwards, *Iederwijs* was repeatedly associated with ideological references, including extremist variants. For example, there was mention of “belief in the vision” of *Iederwijs*,

“fundamentalism of the Iederwijs philosophy,” an “extreme philosophy,” and a “messianic system.” Indicating an extension of the debate to include new learning, is that references to ideology and extremism continued and were applied to new learning as well. For example, articles contained repeated references to “the prophets of new learning,” and proposed that there was “no middle ground: You are either for or against new learning. It is a sort of religion.” Others referred to it as more of a “modern superstition” that cannot be taken seriously. In the course of 2005, the debate over new learning sharpened even further. Columnists used such terms as “nonsense beliefs,” “knowledge-unfriendly ideology,” “the religion of autonomy,” and “ayatollahs who preach new learning.” References to ideology and extremism subsequently colored the critical articles of others as well.

To illustrate the tone of the debate more clearly, Figure 2 shows the frequency of articles that referred to knowledge and ideology. This analysis includes all conceivable references to knowledge, including professional knowledge and professional content; the transfer, acquisition, and shortage of knowledge; and formal knowledge, experiential knowledge, and practical knowledge. Articles included discussions about the nature of knowledge, the relative importance of basic and practical knowledge, and most prominently the question of whether students were still acquiring sufficient knowledge. References to ideology contain such words as *prophets*, *preaching*, *holy*, *cult*, and *ideology*. As the figure illustrates, the tone of the debate was fierce. There are more indications that the debate had a polemic character. As time went by, the number of neutral articles decreased, whereas clear pleas and criticisms of new learning increased. After the summer of 2005, the criticisms of new learning became dominant. The main argument used by critics was that the introduction of new forms of education that together were known as new learning had caused a decline in the level of education. The debate

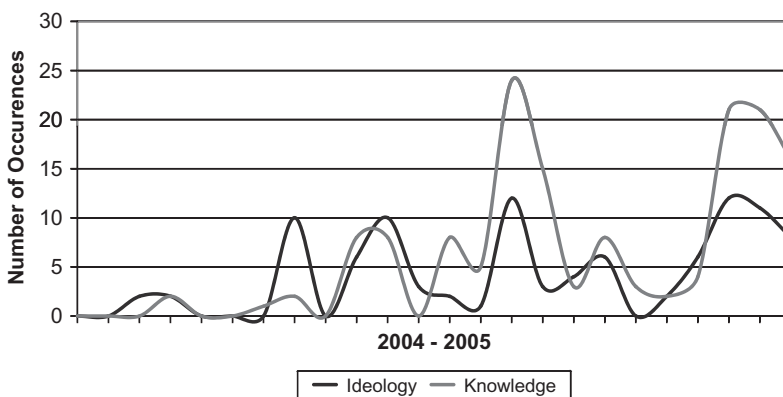


FIGURE 2 Number of occurrences of words referring to ideology and knowledge, in three Dutch national newspapers, per month (2004–2005).

on new learning turned out to be the overture of an even broader discussion about the quality of education.

As can be seen in Figure 1, the public debate about the quality of education does not show the usual pattern of peaks flattening over time. The peak during the final quarter of 2008 is even slightly higher than the peak at the end of 2006. For this part of the debate, I draw on data from Study II, which allow us to compare the debate about the quality of education with the coverage of all other topics concerning secondary education the three national newspapers pay attention to. The nature of the contributions in the newspapers about the quality of education was different when compared with contributions on other topics. Half of the articles referring to the quality of education (362 of 721) were news or background articles. For other topics, this proportion amounted to 61% (2,106 of 3,442). A further indication that the quality of education was part of a public debate can be found in the combined number of letters to the editor and opinion columns. Of articles on the quality of education 44% (315 of 721) expressed an opinion, compared with 33% (1,151 of 3,442) of the articles that covered other themes.

Government Response

How did government respond to the ever-broadening debate on education? The response differs for each of the three issues that became a public debate topic. The first issue in the debate concerned the private school chain called *Iederwijs*. They entered parliamentary discussions only when the public discussion about them started, some 2 years after the private school chain was established (in 2002). It is notable that one member of Parliament called the schools “playgrounds” during one public debate. This word subsequently became associated with *Iederwijs* and was used in all of the political debates that followed. As indicated earlier, an association with playgrounds was also found in the quantitative text analyzes. The fact that these schools were privately funded meant that government had little possibility of intervening. A bill was soon passed stating that private schools were subject to a more elaborate inspection framework. The bill enabled the inspectorate to decide whether a private school was a suitable facility in which students could fulfill their compulsory educational requirements. As a result, several schools had to close their doors and only four *Iederwijs* schools continued to exist.

The second topic of public debate was a particular kind of education reform initiated by schools themselves, identified under the general heading of new learning. Members of Parliament and the government responded to the broadening and increasingly fierce public debate on new learning. Following general elections in the fall of 2006, 1 week after the inauguration of the new coalition government, a parliamentary investigation was announced. The official reason for the investigation was the increasing social unrest concerning educational reform. The inquiry was to include

reforms imposed by government, as well as the innovation that had become known as new learning, which had originated from initiatives taken by schools themselves.

By the time the committee started its work, the focal point of public debate had turned to a third issue, the even broader topic of the quality of education. Members of Parliament presented the debate about new learning as a symbol of criticism and dissatisfaction with education as a whole. The central question for the parliamentary investigation asks what government can and should do to support education reforms. Of the 11 subquestions, one refers to an assessment of the quality of education. When the committee presented its report, early 2008, the public debate about the quality of education continued. The main conclusion drawn by the committee was that the government had seriously neglected a main task in recent years: ensuring the quality of education. The chair added verbally that this neglect was strongly related to the dogmatic struggle about freedom of education, as stated in the constitution. In his view, this struggle prevented the government from formulating clear learning standards.

With regard to the quality of education, the commission stated the following: "The government currently possesses no effective measurement instruments with which it can safeguard the quality of our educational system." The commission also noted that there was insufficient research to establish any trends in the quality of education. Despite this notion, the commission further concluded "that an alarming downward trend is visible in such basic skills as reading and arithmetic/mathematics." Ministers and legislators did not hesitate to subscribe to these main conclusions. It is notable that the report also met with critical reactions, particularly from researchers, including researchers who had been commissioned to conduct parts of the research for the parliamentary investigation committee. In their view, the research reported in the appendixes of the main report did not support the conclusions drawn by the committee and written down in the report itself. In particular, they argued that the conclusion about the decreasing quality of education could not be supported by research findings.

All in all, the report was characterized as a political report; it was intended to show that Parliament was capable of listening to the concerns of the electorate and taking action. The Cabinet agreed, 6 months later, on the bill *Good Education, Good Governance* and sent it to the House of Representatives.

Conclusions and Discussion

Analyzing the public debate on education provides a better understanding as to why Dutch government has recently decided to take unprecedented measures to interfere with school autonomy of independent schools. The empirical analyses disclose a pattern of growing and spreading concern about

education. What starts with discomfort surrounding a small chain of private schools turns into a heated debate about educational innovations initiated not by the government, but by schools themselves. The debate is heavily charged and ideological in nature. Considerable numbers of teachers join the debate, in particular teachers opposing the reforms express their concerns and grievances in public. An action committee, mainly consisting of (former) teachers is established, driving the message to Parliament. Part of that message is that education should be given back to teachers. Asserting that education standards decline and that this decline is a result of innovations initiated by boards and managers, they plead for more government intervention. After a century of freedom of education, and decades of policies aimed at school autonomy, the broad dissatisfaction with education is not so much—and not even primarily—attributed to government, but to the school boards.

What these analyses reveal, then, is that underneath spreading concern and dissatisfaction with education, lies an issue of legitimacy. Legitimacy is a central concept in neoinstitutional theory, and can succinctly be described as the acceptance of an organization by its external environment (DiMaggio & Powell, 1983). The general public is an important part of this environment. *Public endorsement*, the acceptance of an organization by the general public, is crucial for organizations in order to survive and be successful (Meyer & Rowan, 1977). Indicators for public opinion and public endorsement can be found in printed media (e.g., Deephouse, 1996). Our research on the basis of newspapers articles can therefore also be considered as monitoring the legitimacy of schools. These analyses indicate an ongoing process of eroding legitimacy of schools, in particular of secondary schools. Historically, the majority of Dutch schools have been publicly funded and privately governed. More recently, public schools work with independent agencies acting as school boards. It is therefore the legitimacy of independent schools that is seriously challenged.

The measures taken by the Dutch government can be seen as a series of attempts to prevent the erosion and support of legitimacy of schools. When the focus was on a small chain of private schools, government reacted swiftly by extending the control of all private schools. As a result, most *Iederwijs* schools, the private schools the debate focused upon, were closed. When the debate extended to new learning and turned into a heated polemic, an incoming government started a parliamentary inquiry into educational reform in secondary education. Although the public debate expanded to education quality in general, the committee addressed the quality issue in its main conclusion, despite that the central questions for the inquiry only hinted to this issue indirectly. The conclusion drawn was that the quality of education deteriorates and that the government had neglected to secure quality in recent years. This conclusion paved the way for increased government intervention, thereby answering the call to step in. That it proved irrelevant that scientific evidence did not support these conclusions

indicates that not facts but feelings were the underlying issue. The bill *Good Education, Good Governance* represents the latest and most far-reaching action by the government to date. The bill contains an unprecedented interference with independent schools, by using minimum learning standards as eligibility criteria for public funding. In view of the empirical analyses presented in this article, the new legislation must be seen as an attempt made by government to restore legitimacy in education.

The Dutch case outlined in this article raises an important question for independent schools elsewhere: What can independent schools do to prevent strong interference by government? A long history of school autonomy, even constitutional freedoms, and evidence of good performance are clearly insufficient. Legitimacy by members of the school community may be even more important. The enlarged school boards in The Netherlands are hardly considered as part of the school community by other members, not least of all by teachers. The relations within independent schools among stakeholders—including parents and all personnel—may be the most crucial factor for school autonomy and survival in the long run. When considering governance as the way in which needs, wishes and desires of stakeholders find their way, via processes of decision making, to actual practice (Brewer & Smith, 2008), the importance of governance for independent schools can hardly be overrated.

NOTES

1. I refer to these articles for more details on these issues.

2. The contributions about *teachers* largely refer to a government committee installed to advise on how to deal with teacher shortages. One of their recommendations was to increase teacher salaries, after which the negotiations among the government, school boards, and unions received considerable attention as well. The attention for teachers also stems from an action committee consisting primarily of teachers (Better Education Netherlands). This action committee was established in early 2006, when the debate on new learning became polemic. Two of the main goals of this committee involved restoring content knowledge in the curriculum and “giving education back to teachers.” The organization was successful in attracting publicity and gaining the attention of politicians. The prominence of students in the public debate refers mainly to the year 2007, when secondary school students went to the streets to protest against requirements that schools had to offer a minimum number of 1,040 lessons per year. The public, spontaneous, and ongoing actions of students received extensive attention in the media. The reason why policies also received much attention will become clear in the next section, which focuses on the way the government responded during different phases of the public debate.

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