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# The Parent Trigger: Justification and Design Guidelines

by Joseph L. Bast and Joy Pullmann\*

## Introduction

Sometimes, it seems as though the debate over school reform takes place in an alternate universe where time passes but nothing really changes. Complaints about the quality of public education were widespread in the 1980s and even in the 1950s and before, and they sound surprisingly similar to those heard today.<sup>1</sup>

Thankfully, new ideas occasionally penetrate the fog of politics. One such idea is the Parent Trigger, the notion that if a majority of parents and guardians of children attending a particular public school sign a petition demanding reform, then the school district *must do as the parents ask*. Seven states have adopted some version of the Parent Trigger and some 20 states have seen bills introduced.

Parent Trigger laws can vary according to what schools can be the subject of the trigger. Some laws specify that only schools that are “failing” according to some existing or new set of

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\*Joseph L. Bast is president of The Heartland Institute and author or coauthor of several books on school reform, including *Education & Capitalism*. Joy Pullmann is a research fellow for The Heartland Institute and managing editor of *School Reform News*, a monthly publication. See page 49 for more complete bios. They acknowledge and thank Bruno Behrend and Mark Oestreich for their work on an early draft of this report. Any errors that remain are solely the authors’.

<sup>1</sup> See Joel Spring, *The American School, 1642-1985* (New York, NY: Longman, 1986); U.S. Department of Education, *A Nation at Risk* (1986); National Governors Association, *A Time for Results* (1986).

standards can be triggered. The number of schools that can be triggered can be limited to a specific number or be unlimited. The list of reform models that parents can choose from also varies, with some allowing only conversion of public schools into charter schools while others would give parents vouchers or opportunity scholarships to use at any school, public or private, that they choose. Other options include “turnaround” and “transformation,” two bureaucratic options described in the national Race to the Top program.

This *Policy Brief* presents the rationale for empowering parents with Parent Trigger legislation and then offers design guidelines for parents and elected officials interested in crafting legislation for their city or state.

This *Policy Brief* presents the rationale for empowering parents with Parent Trigger legislation and then offers design guidelines for parents and elected officials interested in crafting legislation for their city or state. It is a companion piece to two earlier reports on the Parent Trigger also published by The Heartland Institute,<sup>2</sup> and carries the analysis considerably further by citing many of the bills that have been introduced since they

were written. This report also benefitted from a series of *Research & Commentary* collections produced by Joy Pullmann and available on Heartland’s Web site at [www.theparenttrigger.com](http://www.theparenttrigger.com).

Part 1 briefly reviews the literature on the power of parental involvement in education, identifies the obstacles erected by the current school governance and finance system, and explains how creating a competitive educational marketplace would lead to higher student academic achievement and parental satisfaction.

Part 2 describes the Parent Trigger, why it is a powerful new reform strategy, and efforts by parents in California to implement the first-ever Parent Trigger.

Part 3 describes how to design the “trigger” component of Parent Trigger laws. It presents design guidelines in six categories: (1) clear definitions, (2) clear eligibility standards, (3) a specific timeline, (4) parental-majority control, (5) a simple petition process, and (6) explicit restrictions on the expansion of powers.

Part 4 describes four school reform models that could be offered by a Parent Trigger law: closure (public school choice), restart (conversion to a charter school), turnaround or transformation (two reforms described in the national Race to the Top legislation) and universal choice (vouchers or opportunity scholarships). The authors endorse closure, restart, and universal choice, but express skepticism regarding turnaround and transformation.

Part 5 reviews some of the common pitfalls to avoid when drafting a Parent Trigger bill, in particular caps and limitations on the schools that can be triggered and giving public school administrators the power to veto or otherwise override parents’ choices.

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<sup>2</sup> Joseph L. Bast, Bruno Behrend, Ben Boychuk, and Marc Oestreich, “The Parent Trigger: A Model for Transforming Education,” *Heartland Policy Brief*, The Heartland Institute, August 10, 2010; Ben Boychuk, “The ‘Parent Trigger’ in California: Some Lessons from the Experience So Far,” *Heartland Policy Brief*, The Heartland Institute, October 2011.

Following a brief conclusion, Appendix A presents model legislation for a Parent Trigger that would allow all schools – not just those considered to be “failing” by some bureaucratic definition – to be triggered. It also excludes the ineffective turnaround and transformation options and includes a robust universal choice option.

Appendix B provides a model petition based on a sample petition from California. Appendix C provides links to existing Parent Trigger legislation and bills and an extensive bibliography of news articles and research about the Parent Trigger.

Parental involvement has been shown empirically to be effective in improving schools and raising student achievement.

## 1. Why Empower Parents?

Parental involvement has been shown empirically to be effective in improving schools and raising student achievement, yet it is routinely blocked and discouraged by public school systems. Why is this so?

### Parental Involvement and Student Achievement

The positive effects of parental involvement on student achievement are among the best-established conclusions in research on education. More than three decades ago, in 1976, a study of 22 parent-empowering programs by Stanford University’s Barbara Goodson and Robert Hess found every program produced significant gains in student achievement.<sup>3</sup> Since the programs studied varied considerably in the methods used, the researchers concluded it was the empowerment itself, not the design of the programs, that was responsible for the gains.

A 2005 meta-analysis of 77 studies involving more than 300,000 students found children of parents who were highly involved in their educations had higher academic achievement by a standard deviation of 0.5 to 0.6. This equals roughly two years of learning.<sup>4</sup> A 2008 study of Israeli parental choice programs found increasing parent empowerment also increased teacher accountability.<sup>5</sup>

One of the largest studies of parental involvement ever conducted used data from a survey

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<sup>3</sup> Barbara D. Goodson and Robert D. Hess, “The Effects of Parent Training Programs on Child Performance and Parent Behavior,” unpublished manuscript, School of Education, Stanford University, (ERIC DRS No. 136912), 1976.

<sup>4</sup> William H. Jeynes, “Parental Involvement and Student Achievement: A Meta-Analysis,” Harvard Family Research Project, *Family Involvement Research Digests*, December 2005, <http://www.hfrp.org/family-involvement/publications-resources/parental-involvement-and-student-achievement-a-meta-analysis>.

<sup>5</sup> Audrey Addi-Raccah and Rinat Arviv-Elyashiv, “Parent Empowerment and Teacher Professionalism: Teachers’ Perspective,” *Urban Education*, March 2008.

following approximately 17,400 British school children from birth to age 33. “By far,” a summary of the study says, “the strongest positive influence [on children’s academic and social skills] was parental involvement.”<sup>6</sup>

“By far the strongest positive influence [on children’s academic and social skills] was parental involvement.”

A rare long-term study of the effectiveness of a single program aimed at encouraging parental involvement in education was conducted by Arthur J. Reynolds and Judy A. Temple of the Chicago Child-Parent Centers.<sup>7</sup> The study, funded by the National Institutes of Health, compared social and academic achievements of 989 participating

children to those of a matched control group of children and found significantly higher achievement rates, lower rates of special-education placement and grade retention, a 29 percent higher rate of school completion, and fewer juvenile arrests. The researchers found the program, which cost \$6,730 per child for 18 months of part-day services, produced social and economic benefits of \$47,759 per child.

More generally, studies comparing the social and academic outcomes of students attending public and private schools generally point to the superior performance of the latter and identify higher levels of parental involvement as a key factor in driving that difference.<sup>8</sup> That literature suggests at least three mechanisms linking greater opportunities for parental involvement with higher student achievement:

- the ability of private schools to respond to parental demands by retaining more challenging curricula at a time when public schools were “dumbing down” their course offerings in response to unions, administrators, and academic fads;
- the superior matching of a private school’s leaders and staff with the students and parents they serve, which creates “social capital” that benefits children; and
- the effects of competition and choice on the organization of schools, compelling

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<sup>6</sup> Charles Desforges and Alberto Abouchaar, “The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievements and Adjustment: A Literature Review,” June 2003, p. 17, [http://bgfl.org/bgfl/custom/files\\_uploaded/uploaded\\_resources/18617/Desforges.pdf](http://bgfl.org/bgfl/custom/files_uploaded/uploaded_resources/18617/Desforges.pdf).

<sup>7</sup> Arthur J. Reynolds and Judy A. Temple, “Cost-Effective Early Childhood Development Programs from Preschool to Third Grade,” *Annual Review of Clinical Psychology*, March 2008, pp. 79-91. See the description of this research effort in Herbert Walberg, *Advancing Student Achievement* (Stanford, CA: EducationNext Books, 2010), pp. 38-39.

<sup>8</sup> The seminal research on this issue is James Coleman, Thomas Hoffer, and Sally Kilgore, *High School Achievement: Public, Private, and Other Private Schools Compared* (New York, NY: Basic Books, 1982). For a recent survey of literature, see Mark Berends et al., *Handbook of Research on School Choice* (New York, NY: Routledge, 2009).

them to become more lean and responsive to parental demands.<sup>9</sup>

## Obstacles to Empowering Parents

Despite all the evidence that parental involvement is important to student achievement, it often is discouraged by public school systems. Scholars have pointed out repeatedly that politics and bureaucracy result in micro-management of teaching methods and curricula, leaving little room for input from parents.<sup>10</sup> A public school teacher, writes Anthony Gary Dworkin, is the “victim of job reduction and job simplification, prescriptive laws, the growing specter of legal liability and malpractice suits, and seniority rules.”<sup>11</sup>

According to *The Texas Tribune* reporter Morgan Smith, Dworkin defines “teacher burnout” as “a feeling of isolation that produces a sense among educators that their work does not matter – as well as the level of trust teachers have in colleagues,

Teachers and parents often have little or no control over textbooks, course content, and the style of teaching.

administrators, students and parents.”<sup>12</sup> Smith reports that Dworkin’s latest research, from March 2012, found teachers reported feeling stressed at twice the rate as those in 2002.<sup>13</sup>

Reforms seeking to achieve “accountability” have taken more power away from teachers and parents, leaving them with little or no control over textbooks, course content, or the style of teaching.<sup>14</sup> “Ever since *A Nation at Risk* appeared in the early 1980s, schools have responded by evolving ... into institutions that prescribe top down management control of every aspect of the teaching process,” read an unsigned letter to the editor of *Teacher Magazine* in 1995.<sup>15</sup>

William S. King, writing in *Phi Delta Kappan* in 1996, wrote: “While reformers lip-sync homilies about creativity, empowerment, and involvement, they institute reforms that empower

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<sup>9</sup> Thomas B. Hoffer, “Perspectives on Private Schools,” chapter 25 of Mark Berends et al., *ibid.*, pp. 429-446.

<sup>10</sup> Diane Ravitch, *The Troubled Crusade* (New York, NY: Basic Books, 1983), p. 233; Robert Chase, “Changing the Way Schools Do Business,” *Vital Speeches*, May 1, 1998, p. 444.

<sup>11</sup> Anthony Gary Dworkin, *Teacher Burnout in the Public Schools* (Albany, NY: SUNY Press, 1987), p. 15.

<sup>12</sup> Morgan Smith, “For Some Teachers, Strain Runs Deeper Than Budget Cut,” *The Texas Tribune*, October 5, 2012, <http://www.texastribune.org/texas-education/public-education/some-teachers-strain-runs-deeper-budget-cuts/>.

<sup>13</sup> *Ibid.*

<sup>14</sup> G. Carl Ball and Steven Goldman, “Improving Education’s Productivity,” *Phi Delta Kappan*, November 1997, p. 230; also Dworkin, p. 69; Albert Shanker on *Jim Lehrer News Hour*, August 22, 1996.

<sup>15</sup> *Teacher Magazine*, unsigned letter to the editor, November/December 1995.

bureaucracies, reduce teachers to paraprofessionals, and marginalize parents.”<sup>16</sup>

Paula Evans wrote in 1999, “education reform has had the effect of removing management of the classroom to the highest state levels. In most instances, the legislatures have micro-managed the school districts, campuses and classrooms.”<sup>17</sup>

“While reformers lip-sync homilies about creativity, empowerment, and involvement, they institute reforms that empower bureaucracies, reduce teachers to paraprofessionals, and marginalize parents.”

An unintended consequence of many of the reforms adopted during the past three decades has been to marginalize parents. The desire of most parents to be more involved in their children’s education has been shunted off into PTA meetings and booster clubs, where they deal with trivialities such as new football scoreboards. Major decisions – and even many that don’t appear to be major – are put in the hands of board members or bureaucrats

who are far removed from the classrooms.

### **Where the Barriers Come From**

One of the most prominent characteristics of urban school systems in the U.S. is the degree to which management is centralized. A single school board composed of a dozen men and women may be responsible for overseeing an enterprise that employs tens of thousands of teachers and spends billions of dollars. In Chicago, for example, a seven-member appointed board oversees an annual budget of \$5.5 billion, operates nearly 700 schools, and enrolls 400,000 students.<sup>18</sup>

Growing centralization of authority isn’t only a problem in big cities. As Tom Loveless and Katharyn Field of the Brookings Institution report,

The 20th century was marked by dramatic consolidation of school districts in the United States. As the number of districts shrank from 117,000 in 1940 to 15,000 in 2000, the size of districts ballooned. The average district served 217 children in 1940, as opposed to more than 3,000 children in 2000.<sup>19</sup>

Size is not an obstacle to accountability or efficiency, provided consumers are free to choose

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<sup>16</sup> William S. King, “A Simpler Conclusion,” *Phi Delta Kappan*, Vol. 78, No. 2 (October 1996), p. 180.

<sup>17</sup> Paula Evans, “When I Grow Up, I Don’t Think I Want to Be a Teacher,” *Education Week*, June 2, 1999, p. 31.

<sup>18</sup> “Stats and Facts,” Chicago Public Schools, [http://www.cps.edu/About\\_CPS/At-a-glance/Pages/Stats\\_and\\_facts.aspx](http://www.cps.edu/About_CPS/At-a-glance/Pages/Stats_and_facts.aspx), last viewed on September 12, 2012.

<sup>19</sup> Tom Loveless and Katharyn Field, “Perspectives on Charter Schools,” chapter 6 of Mark Berends et al., *supra* note 8, p. 101.

among competing providers. Competition and choice create *consumer sovereignty*, the power of consumers to determine what goods and services are produced. The loss of customers shows up in a business's bottom line, alerting even the largest private business that it must improve its services or reduce its prices in order to stay in business. The incentives of the company's employees, managers, and owners are therefore aligned with those of its consumers: all benefit if customers are happy.

Public schools operate in the absence of competition and choice. Only public schools receive government funding and are therefore able to offer services without charging tuition. Public school systems assign most students to schools based on geography – where their parents live and pay taxes – because that is easier for the adults who work in the system, not because it ensures that children are enrolled in schools that meet their particular needs.

Sheer size is not an obstacle to accountability or efficiency, provided consumers are free to choose among competing providers.

The result is no competition among schools for students. Funding comes from taxes rather than voluntarily paid tuition so there is no bottom line that is hurt if students and parents are neglected. Instead, a cartel or monopoly is formed enabling the school system's adult employees to advance their own interests – job security, higher pay, fewer work hours, less accountability for results – at the expense of their customers, the students and their parents.

Large bureaucracies attempt to align the interests of their employees with those of their customers by implementing rules and regulations that restrict the discretion of their employees.<sup>20</sup> Because these restrictions are at odds with the incentives the employees face to advance their status or increase their income, they often are circumvented, leading to new rules and regulations to stop the waste and fraud that invariably emerge. Ever-more-complex accountability systems must be designed, implemented, evaluated, and then once again reformed when waste and fraud emerge in a new guise.

As a board of education or a school superintendent accumulates power to drive out waste and fraud, that power must come from somewhere. It comes from other boards and superintendents when districts are consolidated; from principals and teachers when the board micro-manages curricula and requires ever-more-frequent rounds of tests; and from parents who would otherwise have a bigger voice in the education of their children.

This cycle has many negative consequences. It squanders taxpayer money, burns out good teachers and administrators, and short-changes students. But one effect that doesn't get the attention it deserves is the negative effect it has on parental involvement. All the rules and regulations intended to ensure accountability have the effect of *erecting barriers to parental involvement* in the education of their children.

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<sup>20</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York, NY: Basic Books, 1991).

## Empowering Parents

When teacher collective bargaining agreements run to hundreds of pages, it is unlikely a principal can respond adequately to parent complaints about a teacher they perceive to be failing. When testing and curricula are dictated by state (and increasingly federal) officials, there is little opportunity for parents to ask for more time spent on a particular subject or less on another, much less to ask for a different way of teaching a subject.

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Top-down laws and regulations mean public schools increasingly must resemble one another, depriving parents of another option to influence their children's education. A large and centrally administered school district means the government officials who can actually make a difference in the education a child receives are few in number and often far removed from the classroom.

For example, each member of the Chicago Board of Education must represent the parents of 57,141 children. It's a task that is impossible to do well. Board members are unlikely to know the names of more than a fraction of the *schools* they supposedly manage, much less the names of their *principals*, or any of their *teachers*, or finally, of any of the *students*.

The importance of parental involvement in education and the nature of the obstacles put in the way of making this happen in public schools help explain why so many education policy reforms fail and what must be done differently to achieve success. The popular thinking – that good school reforms are forced from the top down through a state or the national government – has proven unsuccessful.

After decades of the government-knows-best model of school reform, we spend twice as much per student as we did 30 years ago but have seen no significant increase in academic achievement and other outcomes.<sup>21</sup> A more appropriate and empirically sound reform strategy would give weight to the desires of parents and present flexible reform options that are proposed and implemented from the bottom up by parents, in their communities, and affecting individual schools.

## Universal Choice

Universal choice means using vouchers or opportunity scholarships to allow public funds to follow students to schools, whether public or private, chosen by their parents. Vouchers can be restricted to payment of tuition and fees at schools eligible to participate in the program or they can be deposited into each child's education savings account and then used to pay for services from an array of independent or coordinated service providers.

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<sup>21</sup> Adam Schaeffer, "Has Public Spending on Public Schools Risen Too High?" *CQ Researcher*, April 29, 2011, <http://www.cato.org/pubs/articles/schaeffer-cqr.pdf>.



Proposals to create universal choice have been part of the school reform debate since the late 1950s when Virgil Blum, Milton Friedman and other writers proposed them as a way to improve school productivity, reduce segregation, and help religious schools, especially in inner-city neighborhoods.<sup>22</sup> The idea got a major boost in the 1980s when James Coleman and others began documenting the slide in academic achievement of students in public schools relative to those in private schools.<sup>23</sup>

Evidence in support of vouchers has been accumulating for years, and the most recent data are compelling.<sup>24</sup> Greg Forster of the Foundation for Educational Choice released in 2011 one of the largest-to-date meta-analyses of the research on vouchers examining 10 studies of the effects of voucher programs on participants in the programs and another 19 on the effects of voucher programs on public schools.<sup>25</sup>

Evidence in support of vouchers has been accumulating for years, and the most recent data are compelling.

Summarizing research on the effects on voucher recipients, Forster writes, “Nine studies find that vouchers improve student outcomes, six that all students benefit and three that some benefit and some are not affected.” None of the studies found a negative impact. What’s more, the set of 10 studies constituted every study conducted using random assignment of students, the highest standard of social science research. Every similarly high-quality study on vouchers since Forster’s review has confirmed these positive findings.<sup>26</sup> These findings are especially remarkable due to the limited and often highly regulated nature of the voucher programs currently in existence.

African-American students in New York City, for example, are 24 percent more likely to attend college if they received a voucher.<sup>27</sup> Researchers inspecting Sweden’s country-wide school

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<sup>22</sup> Virgil Blum, *Freedom of Choice in Education* (New York, NY: The Macmillan Company, 1958); Milton Friedman, *Capitalism and Freedom* (Chicago, IL: University of Chicago, 1962), chapter 6.

<sup>23</sup> Coleman et al., *supra* note 8.

<sup>24</sup> Herbert Walberg, *School Choice: The Findings* (Washington, DC: Cato Institute, 2007).

<sup>25</sup> Greg Forster, “A Win-Win Solution: The Empirical Evidence on School Vouchers,” The Foundation for Educational Choice, 2011, <http://heartland.org/policy-documents/win-win-solution-empirical-evidence-school-vouchers>.

<sup>26</sup> Joy Pullmann, “Research & Commentary: The Best, Most Recent Voucher Research,” The Heartland Institute, September 2012, <http://heartland.org/policy-documents/research-commentary-best-most-recent-voucher-research>.

<sup>27</sup> Paul E. Peterson and Matthew Chingos, “The Effects of School Vouchers on College Enrollment,” The Brown Center on Education Policy at Brookings and Harvard’s Program on Education Policy and Governance, August 2012, [http://news.heartland.org/sites/default/files/impacts\\_of\\_school\\_vouchers\\_final.pdf](http://news.heartland.org/sites/default/files/impacts_of_school_vouchers_final.pdf).

voucher program found it significantly increased students' academic performance regardless of demographics or their performance before receiving vouchers.<sup>28</sup> An experiment with private (foundation-funded) vouchers in Edgewood, Texas (near San Antonio) demonstrated rapid expansion of private school capacity and improved student achievement.<sup>29</sup>

Repeated longitudinal evaluations of Milwaukee's voucher program, the oldest in the U.S., demonstrate it saves money, improves students' math and reading abilities, and raises high school and college graduation rates, college enrollment rates, and parent satisfaction.<sup>30</sup>

An additional argument in favor of voucher programs is that students remaining in public schools in areas with such programs also benefit when their schools must compete with private schools for students. Forster writes, "18 [of the 19 studies done to date] find that vouchers improved public schools and one finds no visible impact. No empirical studies find that vouchers harm public schools."

Vouchers also are highly popular across family income levels and political parties.

Vouchers had a positive effect on public schools in Milwaukee despite lawmakers' efforts to shield local public schools from voucher competition by increasing local public school funding and offering vouchers only to the poorest students in the worst schools. Research has documented higher

graduation rates, lower dropout rates, and greater parent influence in Milwaukee's public schools due to the influence of the voucher program.<sup>31</sup>

This means if universal choice were one of the options parents could choose with a Parent Trigger petition, achievement gains would be realized for students taking advantage of the vouchers as well as those remaining in public schools.

Universal choice also is highly popular across family income levels and political parties. In a 2012 poll conducted by Braun Research, Inc., 37 percent of parents said they would prefer to send their children to private schools yet fewer than 10 percent of parents do.<sup>32</sup> Seventy-one

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<sup>28</sup> Anders Bohlmark and Mikael Lindahl, "Independent Schools and Long-Run Educational Outcomes – Evidence from Sweden's Large Scale Voucher Reform," CESifo Working Paper N. 3866, June 2012, <http://news.heartland.org/sites/default/files/ssrn-id2100771.pdf>.

<sup>29</sup> John Merrifield, Nathan Gray, Yong Bao, and Hiran Gunasekara, "An Evaluation of the CEO Horizon, 1998-2008, Edgewood Tuition Voucher Program," August 31, 2009, <http://faculty.business.utsa.edu/jmerrifi/evp.pdf>.

<sup>30</sup> Patrick Wolf, "The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program," University of Arkansas, February 2012, [http://news.heartland.org/sites/default/files/report\\_36.pdf](http://news.heartland.org/sites/default/files/report_36.pdf).

<sup>31</sup> George Clowes, "Can Vouchers Reform Public Schools?" *Heartland Policy Study* No. 120, The Heartland Institute, July 2008, <http://heartland.org/policy-documents/no-120-can-vouchers-reform-public-schools?artId=23540>.

<sup>32</sup> Paul DiPerna, "Moms and Schools Survey," Friedman Foundation for Educational Choice, May 9, 2012, <http://www.edchoice.org/CMSModules/EdChoice/FileLibrary/843/Moms-and-Schools-Survey.pdf>.

percent of mothers and 56 percent of Americans favor school vouchers.<sup>33</sup> In the Washington, DC area, almost three-quarters of those polled support the local voucher program, and it had a parental satisfaction rate of more than 90 percent.<sup>34</sup>

## 2. The Parent Trigger

Education scholars increasingly recognize the Parent Trigger as one of the most powerful ways to tap parental empowerment as a way to improve schools.<sup>35</sup> A Parent Trigger law says that if a majority of parents and guardians of children attending a public school sign a petition demanding reform, then the school district *must do as the parents ask*. As said earlier, seven states (California, Connecticut, Indiana, Louisiana, Mississippi, Ohio, and Texas) have adopted some version of the Parent Trigger, and dozens more are considering legislation.<sup>36</sup>

A typical Parent Trigger law allows parents to demand that their local public school be shut down and their children assigned to nearby schools that are not failing, or that the school be converted into a charter school, or reorganized following the guidelines put forward in the national Race to the Top program. Some bills call for universal choice by giving parents opportunity scholarships to enroll their children in private schools.

A Parent Trigger law says that if a majority of parents and guardians of children attending a public school sign a petition demanding reform, then the school district *must do as the parents ask*.

### A Powerful Idea

The Parent Trigger is a powerful idea because it is a *bottom-up* tool for school reform, not a *top-down* commandment that is likely to be twisted, diluted, and delayed on its way to implementation. It empowers parents by making it easier for them to express their opinions – as simple as signing a petition – and to have their opinions matter.

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<sup>33</sup> Ibid.

<sup>34</sup> Russ Jones, “DC parents vouch for voucher program,” OneNewsNow, February 2, 2011, <http://www.onenewsnow.com/Education/Default.aspx?id=1297404>.

<sup>35</sup> Andrew Kelly, “Parent Voice, School Choice, and the New Politics of Education Reform” and Patrick McGuinn, “Mobilizing Mom and Dad: Engaging Parents behind Systemic School Reform,” American Enterprise Institute, July 31, 2012, [http://www.aei.org/files/2012/07/31/-parent-power-grassroots-activism-and-k12-education-reform\\_134233335113.pdf](http://www.aei.org/files/2012/07/31/-parent-power-grassroots-activism-and-k12-education-reform_134233335113.pdf); Frederick M. Hess and Daniel K. Lautzenheiser, “Putting the Punch in Parent Power,” American Enterprise Institute, August 2012, [http://www.aei.org/files/2012/08/28/-putting-the-punch-in-parent-power\\_155845671479.pdf](http://www.aei.org/files/2012/08/28/-putting-the-punch-in-parent-power_155845671479.pdf).

<sup>36</sup> Josh Cunningham, “Parent Trigger Laws in the States,” National Conference of State Legislatures, June 15, 2012, [www.ncsl.org/issues-research/educ/state-parent-trigger-laws.aspx](http://www.ncsl.org/issues-research/educ/state-parent-trigger-laws.aspx).

The Parent Trigger is *flexible*, since it can be written to give parents a variety of choices. For example, policymakers in some states view it as mainly a way to trigger the conversion of public schools into charter schools, while others see it as a way to introduce the concept of universal choice on a school-by-school and district-by-district basis.

The Parent Trigger is *democratic*, in that it requires assent from the people most directly affected by the decision. It is not *autocratic*, as reforms coming from statehouses or district headquarters often are. This is one reason why progressives in California were the first to propose a Parent Trigger, first to get the legislation passed, and first to work with parents to actually pull the trigger to reform a school.

The Parent Trigger is an *opt-in* approach to reform, meaning if parents don't want it in their community, it doesn't happen. It is not a one-size-fits-all reform that might play very differently in a rural area than in an urban area, for example, and it doesn't insist that a central planner somewhere knows what is best for every school district.

In June 2012, the U.S. Conference of Mayors voted unanimously to endorse the Parent Trigger.

The Parent Trigger is *popular*. Seventy percent of Americans and 75 percent of independent voters in the 2012 Phi Delta Kappan/Gallup poll favored giving parents whose children attend a failing school the option of mounting a petition drive

requesting that the teachers and principal be removed.<sup>37</sup> Majorities of Democrats, Republicans, independents, and minority voters favor the trigger. The concept even took center stage in a major motion picture in 2012 titled “Won’t Back Down,” starring Maggie Gyllenhaal.

The Parent Trigger is even popular with politicians. While it was signed into law by Republican governors in the seven states that have Parent Triggers, it also has been endorsed by prominent Democrats including Congressman George Miller, the ranking Democrat on the House Education Committee, Education Secretary Arne Duncan, Chicago Mayor Rahm Emanuel, Newark Mayor Cory Booker, Sacramento Mayor Kevin Johnson, Philadelphia Mayor Michael Nutter, and Los Angeles Mayor Antonio Villaraigosa.<sup>38</sup> In June 2012, the U.S. Conference of Mayors, noted for its liberal leanings, voted unanimously to endorse the Parent Trigger.<sup>39</sup>

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<sup>37</sup> William J. Bushaw and Shane J. Lopez, “Public Education in the United States: A Nation Divided,” Phi Delta Kappan/Gallup, August 2012, <http://www.pdkintl.org/poll/docs/2012-Gallup-poll-full-report.pdf>.

<sup>38</sup> B. Jason Brooks, “A ‘Parent Trigger’ for New York: Empowering Parents to Reform Their Children’s Schools,” Foundation for Education Reform & Accountability, August 2012, p. 26, <http://www.nyfera.org/wp-content/uploads/2012/08/FERA-Report-Parent-Trigger-for-NY.pdf>.

<sup>39</sup> Teresa Wiltz, “Mayors Back Parent-Trigger Laws for ‘Drop-out Factories,’” Pew Center of the States, June 19, 2012, <http://www.pewstates.org/projects/stateline/headlines/mayors-back-parent-trigger-laws-for-drop-out-factories-85899399317>.

## California's Parent Trigger

In 2010, California reformers persuaded the state legislature and governor to adopt the nation's first Parent Trigger. The Parent Empowerment Act, sponsored by then-state senator Gloria Romero (D), empowers parents with children enrolled in a failing school as defined by the California School Code, or in feeder schools (neighborhood primary or middle schools) that send children to a failing school. A failing school is one that is labeled a "program improvement school" for more than three consecutive years for failing to meet federal academic benchmarks, has an Academic Performance Index (the state's benchmark test) of less than 800, and is among the lowest 5 percent of schools academically in the state. No more than 75 schools statewide can be subjected to a trigger.

If 50 percent of eligible parents sign a petition demanding reform, the local education agency (LEA) – usually a school district – must undertake one or more of the four school intervention models defined in Appendix C of the Race to the Top Overview in the *Federal Register* and incorporated by reference into the Parent Trigger legislation. Briefly, the four models are:

- *Closure*: Close the school and send the children to better-performing public schools nearby.
- *Restart*: Convert the school to an independent charter school.
- *Turnaround*: Replace the school's leadership and grant new leaders more flexibility.
- *Transformation*: Implement a "turnaround" model with added layers of oversight.

Just months after passage of the law, parents in the poor-performing Compton Unified School District in the south central Los Angeles city of Compton submitted a petition to convert McKinley Elementary School to a charter school. School board and teachers union officials tried to stop parents from exercising their newly won power by spreading misinformation about the process and questioning immigrant parents about their legal status.<sup>40</sup>

School board and teachers union officials tried to stop parents from exercising their newly won power by spreading misinformation about the process and questioning immigrant parents about their legal status

The battle brought a great amount of attention to the law, as well as litigation. In a variety of ways and under several different pretexts, the school district resisted enforcement of the petition. The school board claimed the parents submitted "zero valid signatures." The parents took the school district to court to enforce their rights, and the Ninth Circuit Court of Appeals found the district had violated the constitutional rights of the parents by attempting to ignore the petition.

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<sup>40</sup> "Parent Trigger Warfare," *Wall Street Journal*, editorial, March 2, 2012, <http://online.wsj.com/article/SB10001424052970203986604577255434278094636.html>.

In the end, the judge threw out the parents' petition because the pages were not dated in accord with a state law not mentioned in the Parent Trigger legislation. However, a simultaneous effort to establish a charter school in the area did succeed, so parents may send their children there instead of to the underperforming traditional public school.

In September 2011, the California State Board of Education formally approved permanent regulations governing the Parent Trigger. In October 2011, a bill (AB 293) intended to clarify the regulations was vetoed by Gov. Jerry Brown (D), leaving the September regulations in place.

### 3. Designing the Trigger

California's Parent Trigger is a model in many respects, but it also has shortcomings. One is that it allows districts to override parents' reform choices. Essentially, even if parents circulate a petition to convert their school to a charter school, district officials can decide to implement any of the other reform options instead.<sup>41</sup> A well-designed trigger wouldn't have that loophole.

Legislation should make the mechanism as transparent and easily implemented by parents as possible.

Legislation should make the mechanism as transparent and easily implemented by parents as possible. For example, Indiana's Parent Trigger, which is limited to triggering conversion to charter schools, states:

An existing public elementary or secondary school may be converted into a charter school if all of the following conditions apply:

- (1) At least fifty-one percent (51%) of the parents of students who attend the school have signed a petition requesting the conversion, which must be completed not later than ninety (90) days after the date of the first signature.
- (2) The school has been placed in either of the two (2) lowest categories or designations under IC 20-31-8-3 for two (2) consecutive years [these are "failing school" categories as designated by the state].
- (3) The governing body votes to convert an existing school within the school corporation.

A model Parent Trigger bill appears in Appendix A. The rest of this chapter presents design guidelines grouped into six categories: (1) clear definitions, (2) clear eligibility standards, (3) a specific timeline, (4) parental-majority control, (5) a simple petition process, and (6) explicit restrictions on the expansion of powers.

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<sup>41</sup> From California Education Code edc:53300-53303: "the local educational agency shall implement the option requested by the parents unless, in a regularly scheduled public hearing, the local educational agency makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in this section it will implement in the subsequent school year. ..."

## 1. Clear Definitions

Exactly how the program will operate depends on how key terms are defined. Terms such as “parent,” “petition,” and, if the trigger is to be applicable only to the worst schools, “failing school,” must be unpacked to discover the choices policymakers need to make as well as to avoid litigation. Clear definitions require answers to the following questions:

- Who counts as a parent eligible to sign a petition? Biological parents? Custodial parents, in the case of divorce? Legal guardians? Most bills specify “parent or legal guardian.”
- Must both parents sign the trigger petition, or is one parent enough? Can parents sign more than once if more than one of their children attend or will be attending the school named in the petition?
- If participation is limited to students currently attending failing schools, what constitutes a “failing school”? Be careful here not to use a metric that can be manipulated by school officials or one that applies to too few schools to offer many opportunities for parent empowerment, or one that relies on measures likely to fade away quickly, such as No Child Left Behind definitions, as that law has been waived now for a majority of states.
- Must the parent already have a child in the poor performing school, or, as is true of California’s law, can trigger petitions be signed by parents whose children are expected to enroll in the school next year (such as a fifth grader scheduled to enter a troubled middle school the next school year)?
- What does it mean to petition? Do rules and regulations that apply to petitioning under other laws, such as for ballot access for candidates or referenda, apply to these petitions?

Be careful here not to use a metric that can be manipulated by school officials or one that applies to too few schools to offer many opportunities for parent empowerment.

## 2. Clear Eligibility Standards

Another problem with California’s law and several other state iterations is that they define a failing school and reform options using provisions contained in No Child Left Behind (NCLB). The education law is effectively null for more than half the country now that the U.S. Department of Education has waived it for 33 states, and it is five years overdue for reauthorization.<sup>42</sup> If NCLB no longer applies or isn’t updated, schools may argue they are no longer technically “failing.”

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<sup>42</sup> U.S. Department of Education, “ESEA Flexibility,” accessed September 9, 2012, <http://www.ed.gov/esea/flexibility>.

To prevent this, states should define failing schools as a certain percentage of the worst-ranked in the state, such as the bottom 20 percent or 50 percent. A Parent Trigger bill introduced in New Jersey “makes schools eligible if 40 percent or more of students score below proficient on its state English language arts and math tests for two or more consecutive years or 65 percent or more score below proficient in one of the two subjects for two or more consecutive years.”<sup>43</sup> States already identify failing schools in various manners each year for their own purposes or to comply with federal law and directives.

Should eligibility be limited to students attending failing public schools? This question deserves careful thought.

Such a limit may seem justifiable on a number of grounds. Perhaps it would be too disruptive if schools that were performing well could nevertheless be subject to a vote of no-confidence by a simple majority of parents. Perhaps the Parent Trigger is “strong medicine” that only dysfunctional school districts need. Perhaps it would be easier politically to pass a Parent Trigger that affects only schools in some parts of a state that are clearly failing, and not in others where parents are largely satisfied with their schools.

Should eligibility be limited to students attending failing public schools? This question deserves careful thought.

Policymakers should carefully consider an opposing view. Milton Friedman, the Nobel Laureate economist and long-time proponent of school choice, famously said, “programs that are only for the poor will be poor programs.” He meant that entitlement programs for the poor usually lack constituencies politically powerful enough to defend

the programs from those who seek to use them for other ends, such as patronage, or allow them to be repealed, defunded, or amended by opponents.

In the school choice arena, this danger was on display for many years in Milwaukee, Wisconsin and in Washington, DC, where the beneficiaries of school choice programs are low-income and largely minority families who are largely unable to defend their interests in the political world. In California, the parents seeking to pull the trigger for the first time needed the help – financial as well as organizationally – of philanthropists and charter school entrepreneurs to battle well-funded teachers unions and school boards.

Should *every* parent of a child attending a public school be able to sign a petition calling for substantial reform, and if a majority sign such a petition, should that reform become policy? The authors think the answer should be “yes.” What constitutes a “failing school” may be different in an affluent suburb than in a struggling inner-city neighborhood. Failure also means different things to different families.

When they have the ability to act on their preferences, parents choose schools for many reasons beyond just academic strength, such as school safety, proximity to home or parent workplaces, the enrollment of siblings or other close relatives in a school, and a school culture that reinforces

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<sup>43</sup> B. Jason Brooks, *supra* note 38, p. 28. The bill is Senate Bill No. 2569.



values being taught at home. “I want the teaching to be as high of a standard as what I would pay for at a private school,” mother and PTA President Megan Proctor told *The Tennessean*.<sup>44</sup> But Sheri Patterson, who enrolled her son in a charter school, said she chose it based on its sense of community and security.

Family experiences, needs, and expectations are different. Why not let all families and communities decide whether their schools are failing or successful?

### 3. A Specific Timeline

Reforms of this magnitude can be delayed easily, especially when district and school officials oppose them. This has happened in both California schools where parents pulled the trigger, with both becoming embroiled in expensive and time-consuming litigation advanced by opponents and recalcitrant school boards. A well-crafted Parent Trigger can avoid this by establishing a firm timeline for every step of the process.

Reforms of this magnitude can be delayed easily, especially when district and school officials oppose them.

Pennsylvania state Sen. Jeffrey Piccola crafted the following example:

A governing body that receives a petition under subsection (G) shall submit a copy of the petition to the statewide academics accountability board on the next business day following receipt of the petition. The governing body shall begin implementation of the action requested in a properly filed petition not more than three business days after receipt of the petition.

B. Jason Brooks, in his excellent report for the Foundation for Education Reform & Accountability, recommends the following timeline:

A workable timeline could require petitions to be submitted by the first Monday in January to ensure implementation for the next academic year. The state could be provided 15 business days to verify signatures, after which the comprehensive proposal for implementing the desired reform could be submitted within 20 business days. After submission of the plan, the state could have up to 20 business days to either accept or reject the proposal, and present its reasons for rejection and options for correction if necessary. Petitioners then could have 15 business days to submit the necessary corrections to the plan. This timeline leaves more than four months for implementation, with some leeway for each step in the process.<sup>45</sup>

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<sup>44</sup> Heidi Hall, “Film on ‘parent-trigger’ for schools takeover sparks dialogue,” *The Tennessean*, September 25, 2012, <http://www.tennessean.com/article/20120925/NEWS04/309250026/Film-parent-trigger-schools-takeover-s-parks-dialogue?odyssey=nav%7Chead>.

<sup>45</sup> Brooks, *supra* note 38, p. 37.

Even firm timelines are of little use without enforcement mechanisms. The Parent Trigger measure might impose late fees that penalize districts for failing to act in a timely manner, as in the following example from Pennsylvania:

The department shall order the following forfeitures against a school district, charter school, cyber charter school or comprehensive vocational-technical school that fails to comply with subsection (b) or fails to take the action ordered by the statewide academic accountability board under subsection (c): (1) \$5,000 per day for the first violation. (2) \$10,000 per day for the second or subsequent violation.

The forfeiture shall continue until the governing body has complied with subsection (b) or has taken action directed by the statewide academic accountability board under

subsection (c). The department shall deduct the amount of the forfeiture from any and all state payments made to the school district.<sup>46</sup>

The Parent Trigger measure might impose late fees that penalize districts for failing to act in a timely manner.

Such carefully crafted provisions should keep the process of reform moving and ensure the

parents' chosen reform is implemented without red tape or unnecessary delays.

#### 4. Parent Majority Control

A problematic component of Parent Trigger bills concerns the number of parents required to trigger a reform.

The California Parent Empowerment Act provided that reform would be triggered if 50 percent of eligible parents signed the petition. Interestingly, *this is less than a majority*. Some subsequent bills introduced in other states have required the signatures of at least 51 percent of parents, but the more precise way to require “50 percent plus one” is for the bill to specify “more than half” or “a majority of parents and guardians.”

Some proposals call for more than a simple majority of parents, or require teachers to sign petitions as well. For example, Michigan legislators proposed requiring a 60 percent majority of parents, or 51 percent of parents and 60 percent teachers, for petitions requiring a district to convert a failing school into a charter school.<sup>47</sup>

The rationale for a majority of parents being sufficient to trigger reform, rather than a higher

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<sup>46</sup> Pennsylvania General Assembly, Senate Bill 1192, 2010 session.

<sup>47</sup> Dave Murray, “Michigan House committee taking up bill that would allow parents to convert struggling schools to charter schools,” Mlive, September 18, 2012, [http://www.mlive.com/education/index.ssf/2012/09/michigan\\_house\\_committee\\_takin.html](http://www.mlive.com/education/index.ssf/2012/09/michigan_house_committee_takin.html).

(“supermajority”) vote, is that a minority of parents ought not prevent the majority from acting in the interests of their children. This is a democratic principle that we usually over-ride only to protect basic Constitutional rights.<sup>48</sup>

It would be easier to argue for less-than-a-majority of parents, rather than a higher threshold. In the marketplace, businesses don’t wait until a majority of customers sign a petition demanding a new product before they put it on their shelves. Requests and complaints from only a small number of customers often is enough. The Parent Trigger sets the threshold much higher, which might be justifiable only given the public funds involved.

Proponents of robust versions of school choice, such as vouchers and tax credits, typically would allow individual parents to move their children from public to private schools and use some part of the public funding earmarked for their child to pay tuition *even if they are the only parents with children in the school who are dissatisfied*. That is a much truer “free market” approach to school reform. In this sense, a Parent Trigger that requires a majority of parents to sign a petition before any one parent can receive public funding to choose a different school is much less “radical” than those proposals.

Other bills require the petition be signed by a majority of teachers in the affected school as well as parents. This is a major concession that would undermine the effectiveness of the law and should not be made. Teachers share with parents the frustration of having power taken away by distant bureaucracies, but they are producers, not consumers, of education services. Their personal success is more closely tied to that of school administrators and bureaucrats than to whether children learn and parents are satisfied. The career paths of many teachers lead them into administration, so they have that potential conflict of interest as well.

The authors believe, on balance, that limiting participation to *parents* is the superior option.

Once again, an analogy with stores may be useful. If customers don’t like the hamburger or salad being served at a fast-food restaurant, they don’t have to get a majority of the *employees* of the restaurant to sign an agreement to change the menu. They can simply choose to eat at a different restaurant. Restaurants, and schools, exist for the benefit of their customers, not their employees.

Another proposal that has appeared is to allow all registered voters to sign petitions, regardless of whether they have students enrolled in public schools. Alternatively, rather than circulate a petition, why not just have a binding referendum on the question?

This is a closer call to make. On the one hand, homeowners without school-age children are paying for the schools with their property taxes and have an interest in how the schools are run. They have a right to vote in school board elections, so why not a right to sign a Parent Trigger petition or vote on the reform proposal in a special election? Childless taxpayers have an interest in efficiency that parents and educators may not share.

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<sup>48</sup> James Buchanan, *The Limits of Liberty: Between Anarchy and Leviathan* (New York, NY: Basic Books, 1975).

On the other hand, turnout for special elections is often very low, allowing public employees to affect the outcomes in ways that are not proportional to their numbers. Their conflict of interest also makes it problematic that their signatures could be required for a successful Parent Trigger initiative. And not all voters are taxpayers. The authors believe, on balance, that limiting participation to *parents* is the superior option.

The best practice is to set the triggering number at a simple majority of qualified parents and allow no concessions. Doing so makes the bill easy to understand for parents and school authorities. A majority of teachers should not be required to approve the reform since this would give them veto power over parents and defeat the purpose of the law.

## 5. Simple, Transparent Petition Process

Vital to any Parent Trigger is a petition process that is simple enough to be explained and understood during a door-to-door campaign, and yet that complies with all relevant state regulations and is litigation-proof.

Conflict over the formatting and content of petitions was a central contention in Adelanto, California litigation over the Parent Trigger.

Conflict over the formatting and content of petitions was a central contention in Adelanto, California litigation over the Parent Trigger. Some parents claimed they had signed a petition to have unspecified school changes and others said they had signed a petition to convert their child's

failing school into a charter school. The school district tried to get the petitions dismissed on technicalities and asserted a duty to confirm the validity of every signature on the petitions, and even demanded that signers show up in person, with identity papers, to “prove” they had signed the petition and were qualified to do so.

Indiana's parent trigger specifies that the signature-collection process must be completed in 90 days or less. Louisiana's parent trigger petition process contains provisions that other states could imitate, as summarized in this description by New York's Foundation for Education Reform & Accountability:<sup>49</sup>

Only one parent or guardian per student may sign the petition; those with multiple children enrolled in the school may sign once for each child. Petitions must be submitted to the state Department of Education to determine if the petitions have enough signatures, and all signatures are assumed to be valid unless challenged or there is found to be a reasonable doubt of their validity, which then requires departmental review and verification within 45 days. If the review finds the petitions contain too few valid signatures, petitioners are provided 30 days to collect the required number of signatures. Signatures may not be discounted for technicalities if the intent of the signature is clear. Specific prohibitions are made on harassing, threatening, or intimidating parents and

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<sup>49</sup> B. Jason Brooks, *supra* note 38, p. 10.

guardians, and public school districts resources may not be allowed to be used to support or oppose efforts by petitioners.

It is important that local school districts not be authorized to receive or verify the petitions, since they are likely to be strongly influenced by teachers unions and superintendents committed to retaining their current authority. Louisiana, Mississippi, and Texas all correctly require petitions to be submitted to state departments of education for verification.

The California Parent Trigger regulations adopted in September 2011 require the state to post a sample petition on its Web site and to notify parents in qualifying schools about the petition and the process. Although no Parent Trigger bill has contained exact petition language, that would be a useful endeavor. A model petition from California, largely adopted from Parent Revolution organizers, appears in Appendix B.

The California Parent Trigger regulations adopted in September 2011 require the state to post a sample petition on its Web site and to notify parents in qualifying schools about the petition and the process.

Some of the things a petition should include, and possibly be specified in the legislation, include:

- Identify the law under which parents have the right to petition.
- Identify the school district and the target school.
- Specify which reform is being demanded.
- State that the school in question is subject to the Parent Trigger law.
- Identify the group or entity that is circulating the petition.
- Require that parents provide their names, their students' names, the schools they attend, the grades they are in, and their birth dates.

California's model petition uses the following language to make clear to the petition-signer what he or she is signing:

By signing below, the signee understands that (1) this is a petition to transform [TARGET SCHOOL] using the [MODEL DESIRED]; (2) that the parent's participation is voluntary; (3) that the parent has received a copy of the petition in the parent's native language prior to signing, has reviewed and fully understands the same, and has had full opportunity to ask any questions or receive any materials explaining the petition or its purpose.

## 6. Expansion of Powers

The process of developing and enacting legislation brings with it an opportunity to expand the size and scope of government. Legislation aimed at reforming schools is no exception; one need look no further than the efforts of President Barack Obama and U.S. Secretary of Education Arne Duncan to “reform” No Child Left Behind by granting waivers to states that adopt the administration’s preferred national curriculum.<sup>50</sup>

The best way to avoid an expansion of government power from accompanying the Parent Trigger is to limit the scope of the law to the essential task as it has been set forth so far. The law is not a vehicle for accomplishing other goals and objectives, no matter how desirable they might be. If it doesn’t involve giving parents the right to “pull the trigger” to reform their local schools, it shouldn’t be in the bill.

Another way to ensure that government power doesn’t grow is to include explicit language limiting the expansion of government power. The Pennsylvania bill provides a good, straightforward example:

This act shall not be construed to expand the powers of the governing body of a school district or school.

A third remedy is to place enforcement power in the hands of an entity that is not biased in favor of public schools.

A third remedy is to place enforcement power in the hands of an entity that is not biased in favor of public schools generally or the existing school administration and finance systems specifically. Most state boards of education are biased, and putting them in

charge of implementing a Parent Trigger law is like putting a fox in charge of a henhouse. What government agency would be a better choice varies from state to state. An agency that doesn’t ordinarily get involved in schools at all may be the best choice.

It is not inevitable that reform increases government power.<sup>51</sup> The recent incorporation of Parent Trigger language within larger Indiana and Louisiana education overhauls that included universal choice, tax credits, and charter school components demonstrates the compatibility of the Parent Trigger idea with other kinds of school reform legislation. Careful legislative drafting and refusing to make concessions in bill language are key.

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<sup>50</sup> Joy Pullmann, “Research & Commentary: Strings-Attached NCLB Waivers,” The Heartland Institute, October 2011, <http://news.heartland.org/policy-documents/research-commentary-strings-attached-nclb-waivers>.

<sup>51</sup> Joseph L. Bast, “Why Conservatives and Libertarians Should Support School Vouchers,” *The Independent Review*, Vol. VII, No. 2 (Fall 2002), pp. 265– 276.

## 4. Choosing the Reform Models

What school reform options should parents be allowed to choose? California's Parent Empowerment Act offered four: closure (public school choice), restart (conversion to a charter school), turnaround (replacement of the school's leadership) and transformation (turnaround with added layers of oversight). The first two options make good sense and are being imitated by other states that have adopted Parent Trigger laws. The second two options are problematic.

In the discussion below we will evaluate and endorse closure and restart, critique turnaround and transformation, and propose an additional option: universal choice or opportunity scholarships.

### Model 1: Closure

Many draft Parent Trigger bills include the closure option, which allows parents to trigger the closure of their children's school. At the end of the triggering school year, the school is closed and students are re-assigned the next school year to higher-performing nearby public schools.

Closure is an important option to have on the table. The possibility of closure is certain to catch the attention of teachers and administrators at failing public schools, just as it already captures the attention of their counterparts in the private school marketplace. Parents who know they have the power to close a school are more likely to pay attention to how well it is or isn't doing, and see what other schools are doing to make things better.

Failing public schools already face the possibility of closure but usually only as a last resort and following prior interventions from the school district or state that often go on for many years. A decision to close a school *at the end of the current school year*, coming from parents rather than authorities

The possibility of closure is certain to catch the attention of teachers and administrators at failing public schools.

high up in the education system bureaucracy, would be more likely to reflect the views of the community and be accepted by community leaders, leading to less drama than often accompanies school closings today.

Closure is a variation on public school choice, the increasingly widespread practice of allowing parents to enroll their children in public schools outside their districts. This practice varies considerably from district to district and state to state, and it is often contingent on the "receiving" district agreeing to accept students from the "sending" district. Parents frequently face very limited choices, and schools thought to be of higher-than-average quality often have waiting lists. Some school districts also charge parents from outside the district to enroll their children.

The biggest criticism of the closure option is that it doesn't go far enough to meet the needs of parents. Being able to choose among two or three public schools that offer almost identical curricula and personnel policies is really no choice at all. Still, even the mere threat of closure can rock the complacency of a cartel or monopoly, making the option well worth considering.

## Model 2: Restart (Conversion to a Charter School)

The most popular reform model in Parent Trigger legislation to date has been to allow for conversion of failing public schools into charter schools. Charter schools are government-funded but governed and operated by private boards. The purpose of this arrangement is to promote educational diversity, effectiveness, and accountability. Charter schools typically are relieved of some public school regulations and oversight in return for being accountable to their chartering authority for attaining student academic achievement targets.<sup>52</sup>

### About Charter Schools

Charter schools operate on leaner budgets under private management, and research generally shows benefits for their students.<sup>53</sup> In New York City, for example, Caroline M. Hoxby of Stanford University and her colleagues found, “By the time a charter school student has reached the end of eighth grade, our estimates indicate that he will be scoring about 30 points higher in math than he would have been scoring if he had been lotteried-out and remained in the regular public schools.”<sup>54</sup>

Many states already have laws in place that allow for conversion of public schools into charter schools. Making “restart” part of the Parent Trigger law creates a new way to trigger the conversion process.

The process of opening and operating charter schools has become routinized as the charter school movement has matured. National charter school operators such as Noble, Green Dot, KIPP, and Learn Charter are making the launch of schools much faster and more likely to succeed than in the past. Billions of dollars have been invested by governments and philanthropists in the charter school effort, creating an infrastructure that can

successfully replace hundreds of failing public schools in just a few years’ time.

Many states already have laws in place that allow for conversion of public schools into charter schools. Making “restart” part of the Parent Trigger law creates a new way to trigger the conversion process. This new way is useful when current public school staff oppose conversion, when charter operators are hesitant to enter a community without having access to existing

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<sup>52</sup> See Loveless and Field, *supra* note 19, and chapters 7-13 in the same volume.

<sup>53</sup> Herbert Walberg, *supra* note 24, chapter 2; Julian Betts and Emily Tang, “The Effect of Charter Schools on Student Achievement: A Meta-Analysis of the Literature,” National Charter School Research Project, October 2011, <http://www.charterschoolcenter.org/resource/effect-charter-schools-student-achievement-meta-analysis-literature>.

<sup>54</sup> Caroline M. Hoxby, Sonali Murarka, and Jenny Kang, “How New York City’s Charter Schools Affect Achievement, August 2009 Report,” New York City Charter Schools Evaluation Project, September 2009, [http://www.nber.org/~schools/charterschoolseval/how\\_NYC\\_charter\\_schools\\_affect\\_achievement\\_sept2009](http://www.nber.org/~schools/charterschoolseval/how_NYC_charter_schools_affect_achievement_sept2009).



school buildings, and when caps or central office priorities would otherwise keep a neighborhood from getting a charter school that most parents want.

## Charter School Design Guidelines

Parent Trigger laws that include conversion to charters as an option for parents should require charter school managers to ...

- be independent of the local school district if the parents indicate on their petitions they are seeking such independence;
- be selected through a rigorous review process;
- enroll, within the grades it serves, any former student of the public school who wishes to attend the school; and
- be released from the school's former placement in the "failing" category until the school year after reorganization takes place.

The law also should specify that existing caps on the number or enrollment of charter schools do not apply to charter schools created by the Parent Trigger.

By giving charter school operators access to existing public school facilities, Parent Trigger laws can help solve one of the biggest challenges facing charter schools. According to Nelson Smith, former president and CEO of the National Alliance for Public Charter Schools,

Parent Trigger laws can help solve one of the biggest challenges facing charter schools.

[T]raditional public-school districts still own the great majority of school buildings, and with rare exceptions, public charter schools have no legal claim to them. If charters want to build their own facilities, they face enormous obstacles. They have no taxing power, no access to state capital budgets, and, ordinarily, no bonding authority – they are shut off from the prevailing public sources of revenue for school construction. Distressingly often, they are denied access even to school buildings that the district no longer uses. Charter schools must take a wide detour around this enormous fiscal pothole.<sup>55</sup>

California, Washington, DC, and Indiana currently have the most equitable charter facilities laws, offering ideas that could be included in a Parent Trigger bill.<sup>56</sup> According to Ashley Bateman writing in *School Reform News*, they offer charter schools the following benefits:

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<sup>55</sup> Nelson Smith, "Whose School Buildings Are They, Anyway?" *EducationNext*, Vol. 12, No. 4, Fall 2012.

<sup>56</sup> Ashley Bateman, "Facilities, Funding Are Central Obstacles for Charters," *School Reform News*, October 2012, p. 15.

- state grant and loan programs,
- access to tax-exempt bonds,
- exclusive charter school bonding authorities,
- mechanisms to provide increased borrowing credit, and
- equal access to existing state facilities programs.

Also according to Bateman,

Indiana recently passed legislation requiring districts to share vacant or severely underused facilities with charters by either leasing or selling for \$1 per year. ... Florida prohibits stricter facility requirements for charters than for traditional schools. A new Texas law provides bond guarantees for charters. Newark, New Jersey passed a law to lease unused district buildings to charter schools.<sup>57</sup>

Turnaround and transformation are provisions in Race to the Top, the national school legislation that is the Obama administration's contribution to school reform efforts.

Finally, even though some of the original authors of California's Parent Trigger law apparently feel otherwise,<sup>58</sup> for-profit charter management companies should be allowed to participate in the program. Such companies bring the experience and resources necessary to convert more than a few schools at a time, and to do so with a high level of confidence

that the schools will succeed.

### **Model 3: Turnaround and Transformation**

Turnaround and transformation are two reform models that appear in California's Parent Empowerment Act. They refer to provisions in Race to the Top, the national school legislation that is the Obama administration's contribution to school reform efforts, as published in the *Federal Register* in 2009.<sup>59</sup>

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<sup>57</sup> Ibid.

<sup>58</sup> Ben Austin, "Michigan's 'Parent Trigger' legislation has right goal, but important flaws," *Detroit Free Press*, September 28, 2012, <http://www.freep.com/article/20120928/OPINION05/309280020/Guest-commentary-Michigan-s-Parent-Trigger-legislation-has-right-goal-but-important-flaws>.

<sup>59</sup> *Federal Register*, Vol. 74, No. 221, "Rules and Regulations," November 18, 2009, pp. 59828-59830, <http://edocket.access.gpo.gov/2009/pdf/E9-27426.pdf>.

A turnaround model requires a local school district to “replace the principal and grant the new principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates.” The new approach includes screening all existing staff and rehiring no more than 50 percent of them and implementing a dozen popular reforms, including hiring a “turnaround leader” and promoting “the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.”

A transformation model is similar, but adds a dozen new reform options such as “conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective” and “increasing rigor by offering opportunities for students to enroll in advanced course work (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low achieving students can take advantage of these programs and course work.”

Turnaround and transformation are the current state-of-the-art of the public school reform industry, representing the work and careers of thousands of full-time professionals. While it would be uncharitable to disparage this work, much of which represents genuine insight into what works in K-12 schooling by some of the nation’s brightest minds, it is fair to wonder if parents who choose these options will get the results they hope for.

Experience with turnaround efforts suggests they do little to increase student achievement and parent satisfaction with schools.

Turnaround and transformation leave in place the centralized authority and bureaucracy that have pushed parents out of their children’s education, reducing their involvement and consequently their children’s academic achievement. Implementing the elaborate plans envisioned in Race to the Top often takes years, and parents seeking better schools for their children *today* won’t have children in the school when improvements finally arrive.

Most importantly, turnaround and transformation for the most part don’t change the incentives that teachers and administrators face. They repeat the top-down and one-size-fits-all reform prescriptions that large bureaucracies use in lieu of having to compete with other providers for customers. Consequently, these reforms will be implemented slowly and imperfectly, if at all, and teachers and administrators will find ways to evade and circumvent the new rules ... sometimes to hide their incompetence, other times in order to do what parents and students actually want and need.

Experience with turnaround efforts suggests they do little to increase student achievement and

parent satisfaction with schools.<sup>60</sup> For example, a U.S. Department of Education evaluation of schools undergoing a transformation or turnaround found only a quarter of them experienced significant math or reading gains while three-quarters made little or no progress.<sup>61</sup> If these options are made part of a Parent Trigger law, they should be offered alongside voucher and charter school models, so that parents who choose them can compare their results with what parents in other communities are doing.

#### **Model 4: Universal Choice**

Parent Trigger bills introduced in Indiana, Kansas, Missouri, Nevada, New Jersey, and West Virginia have included some form of universal choice, sometimes called vouchers or opportunity

Parent Trigger bills introduced in Indiana, Kansas, Missouri, Nevada, New Jersey, and West Virginia have included some form of universal choice, sometimes called vouchers or opportunity scholarships, as one of the reform models parents can choose.

scholarships, as one of the reform models parents can choose.<sup>62</sup> These programs specify parents can choose to receive some share of state funds that would otherwise go to the public school to use to pay tuition at the private schools of their choice.

Design guidelines for voucher programs have been spelled out in some detail in several policy papers and books.<sup>63</sup> Issues that should be addressed in a Parent Trigger bill include:

- the dollar amount of the voucher should be high enough to pay for tuition at most private schools, typically 75 percent of total per-pupil spending of public schools or the cost of tuition, whichever is less;
- the amount of the voucher should be set as a percentage of public school spending or indexed for inflation to keep pace with state spending per student;

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<sup>60</sup> Andy Smarick, "The Turnaround Fallacy," *EducationNext*, Winter 2010, <http://educationnext.org/the-turnaround-fallacy>; David A. Stuit, "Are Bad Schools Immortal?" Thomas B. Fordham Institute, December 14, 2010, [www.edexcellencemedia.net/publications/2010/20101214\\_AreBadSchoolImmortal/Fordham\\_Immortal.pdf](http://www.edexcellencemedia.net/publications/2010/20101214_AreBadSchoolImmortal/Fordham_Immortal.pdf).

<sup>61</sup> Alyson Klein, "What's the payoff for \$4.6 billion in School Improvement Grants?" *The Hechinger Report*, April 15, 2012.

<sup>62</sup> Links to online copies of these bills and others are provided in the bibliography in Appendix C.

<sup>63</sup> Joseph L. Bast, "Indiana School Scholarship Act (House Bill 1003): Commentary and Analysis," *Policy Brief*, The Heartland Institute, June 2011; "The Heartland Plan for Illinois: Model School Voucher Legislation," *Heartland Policy Study* No. 98, May 2002, <http://heartland.org/policy-documents/no-98-heartland-plan-illinois-model-school-voucher-legislation-0>; Herbert Walberg and Joseph Bast, *Education and Capitalism: How Overcoming Our Fear of Markets and Economics Can Improve America's Schools* (Stanford, CA: Hoover Institution Press, 2003), chapter 12, <http://www.hoover.org/publications/books/8328>; Joseph Bast and Robert Wittmann, "Rebuilding America's Schools: Vouchers, Credits, and Privatization," The Heartland Institute, May 1991, chapter 4.

- eligibility should not be contingent on parental income, since means-testing complicates administration and requires disclosure of personal information by parents that can discourage participation;
  - parents should not be prohibited from adding to the amount of the voucher to pay tuition at schools that charge more than the amount of the voucher;
  - parents should be allowed to have vouchers deposited into education savings accounts that allow parents to allocate funds among one or more education providers and to roll over funds from one year to the next, which will encourage competitive pricing among schools;<sup>64</sup>
  - participation could be limited to “any accredited private school” provided state regulations on private schools are not overly restrictive;
  - for-profit schools should be allowed to participate, since small religious schools are unlikely to ramp up quickly enough to accommodate the new demand for private education;
  - no new regulations should be imposed on private schools that participate in the program; at most, participating schools could be required to administer and report the results of their choice of a national norm-referenced achievement test;
- No new regulations should be imposed on private schools that choose to participate in the program.
- religious schools specifically should be allowed to participate, since the U.S. Supreme Court has ruled that they may participate in educational choice programs so long as public funds go to parents and not directly to schools; excluding religious schools from educational choice programs is a violation of religious liberty;
  - student transportation could be addressed by including bus or shuttle services as qualified vendors for reimbursement under the voucher or education savings account plan; and
  - students exiting public schools should be removed from enrollment counts before school funding is determined.<sup>65</sup>

A good example of a Parent Trigger containing a voucher model is a bill introduced by Senator

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<sup>64</sup> Joseph L. Bast, “Time to Consider Education Savings Accounts,” *School Reform News*, September 2005, [news.heartland.org/newspaper-article/2005/09/01/analysis-time-consider-education-savings-accounts](http://news.heartland.org/newspaper-article/2005/09/01/analysis-time-consider-education-savings-accounts).

<sup>65</sup> Many states use years-old enrollment numbers to calculate the coming year’s school funding. If a voucher model mandates that states account for exiting students when calculating funding, the savings are realized in that same year and states avoid paying for students as if they were attending both public and private school.

Joseph M. Kyrillos, Jr., in New Jersey in 2010.<sup>66</sup> Its provisions include the following:

Establishment of a tuition voucher system through which a tuition voucher is provided to each parent or guardian who requests one.

(1) The tuition voucher shall equal the lesser of: the actual cost per pupil of the school enrolling a voucher student; or 75% of the actual comparative cost per pupil for the prior school year at the low performing school, as reported in the Department of Education's Comparative Spending Guide. The tuition voucher may be used to attend a nonpublic school or public school in the State.

(a) If a tuition voucher is redeemed in order to attend a public school in another school district, the district shall enroll the student and no further tuition shall be required for attendance.

Any student who receives a voucher shall be eligible to continue to receive a voucher until graduation from the public or nonpublic school of attendance.

(b) If a tuition voucher is redeemed in order to attend a nonpublic school, the parent or guardian shall be responsible for any difference in tuition.

(2) Transportation shall be provided to a voucher student attending a nonpublic school or a public school outside of his school district of residence pursuant to the

provisions of N.J.S.18A:39-1 applicable to nonpublic school transportation.

(3) Any student who receives a voucher shall be eligible to continue to receive a voucher until graduation from the public or nonpublic school of attendance.

## 5. Avoiding Common Pitfalls

The California Parent Empowerment Act blazed the trail for the Parent Trigger idea, and in doing so revealed challenges and pitfalls that careful planning can avoid. Two years of experience with the California law and drafting bills in more than 20 other states has also taught us some lessons.

### Caps and Limitations

School reform activists often fall victim to the malady of negotiating with themselves. Instead of setting out a bold plan that attracts the attention and support of the largest number of people, they burden their proposal with caps and limits, thinking that by doing so they can avoid confrontation and opposition. For example, California's Parent Empowerment Act specified a

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<sup>66</sup> New Jersey Legislature, Senate Bill No. 2569, 214th Legislature, introduced December 20, 2010, [http://www.njleg.state.nj.us/2010/Bills/S3000/2569\\_11.PDF](http://www.njleg.state.nj.us/2010/Bills/S3000/2569_11.PDF).

school had to be defined as failing before parents could petition, limited participation to the first 75 schools that were triggered, gave school boards the power to veto the choice made by parents, and left out the most potent option available, universal choice. Other states shouldn't make those mistakes.

Similarly, Connecticut's Parent Trigger law empowers only "governance councils" composed of parents, community leaders, teachers, principals (non-voting), and in high schools, two students (non-voting). This clearly weakens the power of parents to initiate reform choices. It was a concession made to teachers union leaders who clearly intended to "gut" the law.<sup>67</sup>

Indiana's Parent Trigger allows parents only to convert schools into public charter schools, but this was appropriate given that a state-wide voucher program was also created by the combination of bills that was introduced and passed. Mississippi's Parent Trigger, though, is similarly limited to charter conversion and the number of conversions is capped at just 12. That's too few to attract the attention of national charter school management organizations.

Ohio's Parent Trigger is also much too limited. Only schools in Columbus that have been identified by the state as being in the lowest 5 percent of all public schools statewide for three or more consecutive years can be triggered. Only nine public schools are eligible, and eight of those are already being restructured.<sup>68</sup>

Better to keep the program bold and big and resist the temptation to compromise until and unless doing so is absolutely necessary.

Experience suggests that such small plans and pilot projects don't generate much political support, while opposition to them from teachers unions and superintendents is just as fierce as it is to bolder plans.

Families – not national or state politicians or bureaucrats in some central office – are best qualified to judge a school's performance. The number of schools that can be triggered for reform should be the number that *parents want to see reformed*, not some number pulled out of the air. Getting a majority of parents in a school to agree to fundamentally reform the school their children attend or will attend is a major undertaking in itself and thus a strong bulwark against any potential abuses.

Better to keep the program bold and big and resist the temptation to compromise until and unless doing so is absolutely necessary.

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<sup>67</sup> Jennifer Berigan, "How Connecticut Diffused the Parent Trigger," American Federation of Teachers, Powerpoint Presentation, July 8, 2011, [http://rishawnbiddle.org/outsidereports/aft\\_parentpower\\_guide.pdf](http://rishawnbiddle.org/outsidereports/aft_parentpower_guide.pdf).

<sup>68</sup> B. Jason Brooks, *supra* note 38, p. 12, citing Scott Pipho, "Keeping An Eye on the Parent Trigger," *Akron Legal News*, September 7, 2011.

## Veto and Overrides

A crippling pitfall for a Parent Trigger law is to grant school authorities or teachers the power to veto or override the choices of parents. The veto allows an entrenched party to have final say in which reform is used or whether reform will be implemented at all. Giving a veto to the teachers or administrators who already have failed to meet the demands of parents defeats the very purpose of a Parent Trigger.

In California, a veto can be exercised if the school district demonstrates in a written appeal why the plan should not go into effect. This clearly puts far too much power back in the hands of a few self-interested decision makers and pulls it out of the hands of parents.

The Texas Parent Trigger allows local school boards to propose an option different from what parents want, and the state education commission then decides which one will be enacted. Think of how disheartening it would be for parents who worked hard to collect enough signatures on a petition to have their school converted to a charter, only to be told that a political appointee in Austin decided that what they *really* need is another “turnaround” or “transformation” that likely would take years to produce any results.

Why give the people who failed once or even many times before the opportunity to fail again?

Too many restrictions on charter school operators and too many regulations on which schools may participate in a voucher program also constitute attempts to override the decisions of parents and should be avoided.

By signing petitions, parents are calling for

reform because people in positions of authority have not addressed their concerns. Why give the people who failed once or even many times before the opportunity to fail again?

It is part of the nature of bureaucracies that people will attempt to retain their authority in ways that can’t even be anticipated. But policymakers who understand that dynamic can close loopholes and possible avenues for authorities to win back the power being given to parents.

## Conclusion

We know parental involvement in education is a major driver of student academic achievement. We know repeated attempts to reform public schools have led to large bureaucracies and barriers to parental involvement. And we know parental choice is a proven way to tap the power of parental involvement to improve schools.

The Parent Trigger is a powerful education reform because it is a bottom-up tool for school reform, not another top-down reform that is likely to be deformed and undermined by the bureaucracies that must implement it. It is flexible – parents and policymakers can make choices about what schools should be triggered and what reform model should be chosen. It is democratic rather than autocratic, opt-in rather than one-size-fits-all, and popular with parents and politicians of both major parties.



When correctly drafted, Parent Trigger laws provide a clear path for parents to follow by specifying what their reform choices are, who can sign a petition and how many signatures are necessary, and how to submit the petition. Well-designed Parent Triggers don't restrict parents' choices to only "turnaround" or charter schools, they don't give school officials the power to veto parents' choices, and they don't cap or otherwise limit the number of schools that can be triggered.

The model legislation in Appendix A presents one vision of a Parent Trigger law incorporating the best ideas of hundreds of legislators and policy experts. It would empower all parents – not just those with children attending "failing" public schools – to trigger their local public schools. We

eschew the business-as-usual turnaround and transformation reform options because there is insufficient evidence that they are effective. We would allow parents to choose universal choice, the most powerful reform option of all.

We eschew the business-as-usual turnaround and transformation reform options because there is insufficient evidence that they are effective.

We have learned a great deal after two years of litigation in California and more than 20 bills introduced in states across the country. The bibliography in Appendix C reflects the extensive attention the Parent Trigger has received in the press and from academics studying school reform. The idea clearly is at the cutting edge of school reform today.

This *Heartland Policy Brief* and the information in the three appendices offers a starting point for parents and policymakers to participate in the Parent Trigger movement. The rest is, properly, up to them.

# # #

# **APPENDIX A**

## **Model Legislation**

The model legislation presented below incorporates the best ideas and language appearing in design guidelines, bills, and actual legislation regarding Parent Trigger programs, charter schools, and universal choice programs. An actual bill would necessarily differ from this model because every state has different laws and institutions that must be referenced.

This model bill does *not* contain provisions limiting the scope of the program to “failing” public schools, nor does it identify “turnaround” or “transformation” as reform models available to parents, even though these two provisions appear in the original California Parent Trigger law. The authors do not believe Parent Triggers should be limited only to schools that are “failing” by some bureaucratic measure, and evidence that turnaround or transformation are effective reform models is lacking. Policymakers looking for model language for these two provisions can find them in some of the legislation identified in Appendix C.

## **Parent Empowerment and Choice Act**

### **Summary**

An Act relating to education, authorizing a majority of parents or guardians of students attending public elementary or secondary schools to petition to have one of three (3) reform options implemented: (a) closure (public school choice), (b) restart (charter conversion), or (c) universal choice (opportunity scholarships). Upon notification that a sufficient number of signatures has been obtained, the school district is required to implement the reform chosen by the parents.

### **Section 1: Short Title**

This Act may be cited as the “Parent Empowerment and Choice Act” or the “Parent Trigger Act.”

### **Section 2. Definitions**

For purposes of this Act, the following definitions apply:

- (A) “Parent” is the natural or adoptive parent or guardian of a dependent child.
- (B) “Qualified Petition” is a petition circulated for signatures and submitted to the Secretary of State for verification that complies with the requirements of Section 5 of this Act.
- (C) “Reform Model” is one of the three (3) reform models presented in Section 7 of this Act.

(D) “Triggered school” is a public school named in a Qualified Petition signed by a majority of parents eligible to sign the petition under Section 3(A) and duly submitted to and verified by the Secretary of State pursuant to Section 6 of this Act.

(E) “Educational Management Organization” or EMO is an entity that enters into an agreement with the board of directors of a charter school to provide comprehensive educational, administrative, management, or instructional services or staff to the charter school.

(F) “Charter Management Organization” or CMO is a nonprofit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools.

(G) “Voucher” is a government cash grant for parents equal to all or part of the cost of educating their child at an elementary or secondary school of their choice.

(H) “Education Savings Account” is a type of savings account created pursuant to Section 8 of this Act into which a Voucher may be deposited and from which withdrawals can be made for tuition, tutoring, educational trips, curriculum, and other educational expenses.

### **Section 3. Parent Empowerment**

A method of initiating school reform henceforth called the “Parent Trigger” is created whereby,

(A) For all public schools where more than one-half of the parents or legal guardians of pupils attending the school, or a combination of more than one-half of the parents or legal guardians of pupils attending the triggered school and the elementary or middle schools that normally matriculate into a triggered middle or high school, as applicable, sign a Qualified Petition instructing the local education agency (LEA) to implement one of three (3) Reform Models identified in Section 7 of this Act, the LEA shall implement the Reform Model chosen by the parents.

(B) Implementation of the Reform Model chosen by the parents shall supercede and render null and void any preexisting statutory provisions that might otherwise prohibit the Reform Model from being implemented, including caps on the number of charter schools, restrictions on enrollment, and prohibitions on providing support to private schools.

(C) No additional regulatory powers are created or granted by this legislation to LEAs, the state, its officers, or any school district or any other government agency.

(D) Two-thirds of the members of any regulatory board put in existence to implement this Act shall consist of persons who are not employees of the state, a school district, or any government agency involved with the operation of the public school system.

### **Section 4. Eligible Schools**

The Parent Trigger may be used to trigger reform of any public elementary and secondary school

in the state except charter schools and magnet schools operating under charters that determine enrollment and curricula.

## **Section 5. Qualified Petitions**

Qualified Petitions shall,

- (A) Identify this Act as the law under which parents have the right to petition.
- (B) Identify the school district and the school to be triggered.
- (C) Specify which Reform Model is being sought.
- (D) State that the school in question is subject to the Parent Trigger law.
- (E) Identify the group or entity that is circulating the petition.
- (F) Identify the parents, their children, the schools they attend, the grades they are in, and their birth dates.
- (G) Comply with such rules regarding formatting, dating, and wording as shall be set forth by the Secretary of State within 30 days of enactment of this Act. Said rules shall not be written in such a fashion as to discourage the collection of signatures.

## **Section 6. Petitioning Process**

The petitioning process shall conform to the following rules:

- (A) Petitioners have 90 days in which to collect the required number of signatures.
- (B) Only one parent or guardian per student may sign the petition; those with multiple children enrolled in the school may sign once for each child.
- (C) Petitions must be submitted to the Secretary of State for verification of signatures and to determine if enough signatures have been collected.
- (D) All signatures shall be assumed to be valid unless challenged or there is found to be a reasonable doubt of their validity, which then requires departmental review and verification within 45 days of their submission.
- (E) If the review finds the petitions contain too few valid signatures, petitioners shall be given 30 additional days to collect the required number of signatures.
- (F) Signatures may not be discounted for technicalities if the intent of the signature is clear.
- (G) Harassment, intimidation, and threats of any kind directed at persons circulating or signing petitions shall be promptly investigated and prosecuted by the Attorney General.

(H) Public school districts may not use any public resources to support or oppose efforts by petitioners.

## **Section 7: Reform Models**

Qualified Petitions shall specify one of the following three (3) Reform Models:

### *(A) School Closure*

(1) The LEA shall close the triggered school at the end of the current school year and enroll students who would otherwise attend that school in other public schools either in the same district or in another district.

(2) Student assignments shall be based on the requests of parents, with every possible effort made to enroll a student in his or her parent's first choice of an alternative school.

(3) Receiving schools may not refuse to enroll students if they have available space and must make reasonable efforts to expand their capacity to receive incoming students in the time available.

(4) Charter schools and new schools for which achievement data are not yet available may also receive students from closed schools but are not required to expand their capacity if space is not available.

(5) In the event sufficient space is not available in any nearby public schools, the district shall provide Vouchers pursuant to Section 7(C) to allow parents to choose private schools.

### *(B) Restart*

(1) The LEA shall convert the triggered school into a charter school by contracting with a charter management organization (CMO) or education management organization (EMO) that has been selected through a rigorous review process.

(2) A restart charter school shall

(a) enroll, within the grades it serves, any former student who wishes to attend the school;

(b) be independent of the local school district if the parents indicate on their petitions they are seeking such independence;

(c) be exempt from any existing caps on the number or enrollment of charter schools; and

(d) be entitled to purchase or lease the facilities of the triggered school it is replacing for a cost not to exceed \$1 a year.

*(C) Universal Choice*

(1) The State Comptroller shall issue Vouchers to the parents of students attending the triggered school or who would have matriculated into the triggered school, to be restrictively assigned to the certified private school at which the students are enrolled or deposited directly into the students' Education Savings Accounts, as set forth in Section 8.

(2) The value of the Voucher shall be the lesser of 75 percent of the triggered school's annual cost per pupil, including both operational and capital facility costs; or 75 percent of the dollar amount the school district would have received to serve and educate the eligible student from state and local sources had the student enrolled there.

(3) The triggered school's annual cost per student shall be calculated using an average of the last three (3) budget years and recalculated each year.

(4) Funds shall be made available to students until the earlier of (a) their enrollment in a public school, (b) completion of their high school degree, or (c) their 21st birthday.

(5) Students receiving Vouchers shall be counted in the enrollment figures of their LEAs for the purposes of calculating state and federal funding.

(6) Transportation shall be provided to a Voucher student attending a nonpublic school or a public school outside of his school district of residence pursuant to the provisions of current statutory law applicable to nonpublic school transportation.

(7) Parents shall not be prohibited from adding to the amount of the Voucher to pay tuition at schools that charge more than the amount of the Voucher.

(8) All private schools, including for-profit and religious schools, that are accredited in the State shall be eligible to participate in the Universal Choice Reform Model.

(9) No new regulations shall be imposed on schools that participate in the Universal Choice Reform Model.

**Section 8. Education Savings Accounts**

(A) The State Comptroller shall arrange for the creation of Education Savings Accounts (ESAs) for each student attending or who would have matriculated into a triggered school under Section 7(C).

(B) Parents of students receiving Vouchers in amounts greater than the cost of tuition in the private school of enrollment may arrange for the excess to be deposited in the students' ESAs.

(C) Funds may be withdrawn from ESAs only for the purpose of paying for tuition at an accredited private school and any additionally encumbered educational expenses. Qualifying expenses include but are not limited to tutoring, lessons, educational camps, school materials, textbooks, and educational software.

(D) Deposits into ESAs shall be allowed to accumulate over time until the student's 21st birthday, at which time any remaining balance shall be returned to the State.

(E) Any funds remaining in an ESA after the student's graduation and before the student's 21st birthday may be applied to the cost of tuition for that student at any college, junior college, university, or technical school.

## **Section 9. Timeline**

State and LEA officials shall move expeditiously to implement the Reform Models specified by Qualified Petitions.

(A) Petitions shall be submitted to the Secretary of State by the first Monday in January to ensure implementation for the next academic year.

(B) The Secretary of State shall have 15 business days to verify signatures.

(C) After verification of signatures, Petitioners shall have 20 business days to submit a comprehensive proposal for implementing the desired reform to the LEA and the Secretary of State.

(D) After submission of the plan, the state shall have 20 business days to either accept or reject the proposal and present its reasons for rejection and options for correction if necessary.

(E) Petitioners shall have 15 business days to submit the necessary corrections to the plan.

(F) Upon submission of the corrected plan, the LEA shall take all actions necessary to implement the chosen Reform Model in time for the start of the next academic year.

(G) The Secretary of State shall order the following forfeitures against a school district that fails to comply with Subsection F: (1) \$5,000 per day for the first violation. (2) \$10,000 per day for the second or subsequent violation.

(H) The forfeiture shall continue until the governing body has complied with Subsection F or has taken action directed by the Secretary of State. The department shall deduct the amount of the forfeiture from any and all state payments made to the school district.

## **Section 10. Severability**

If any part of this Act is held to be illegal or otherwise unenforceable, the remainder of the Act shall still apply.

## APPENDIX B

### Model Petition

[Slightly modified from the sample California parent petition provided by Parent Revolution. <http://parentrevolution.org/wp-content/uploads/2010/10/Parent-Trigger-petition-form.pdf>]

Under [STATE] law, parents have the right to petition a district to transform a failing school. This is a petition of parents under that provision to [SCHOOL DISTRICT] to transform [TARGET SCHOOL] under the [MODEL DESIRED]. [TARGET SCHOOL] is subject to corrective action pursuant to paragraph (7) of section 1116(b) of the federal Elementary and Secondary Education Act (20 U.S.C Section 6301 et seq) and has an academic performance index score of less than 800.

Accordingly, pursuant to the parent empowerment provision in [LAW], [TARGET SCHOOL] is subject to one of the four interventions identified by [CODE SECTION]. This is a petition to implement the [MODEL DESIRED] as described in [SECTION] of the education code, a copy of which is attached to this petition, at [TARGET SCHOOL]. The description of the [MODEL DESIRED] is being included as an attachment for convenience only, but the terms of the attachment are to be considered a part of this petition, as if the terms were copied and included in this paragraph.

Please fill out appropriate sections for each child whom you will be representing. Giving your address is optional. For more information contact [CONTACT PERSON] at [PHONE].

Parent's name (first and last): \_\_\_\_\_

Address (optional): \_\_\_\_\_

Student no. 1's name (first and last): \_\_\_\_\_

Student's current school, grade, birthdate: \_\_\_\_\_

Student no. 2's name (first and last): \_\_\_\_\_

Student's current school, grade, birthdate: \_\_\_\_\_

Student no. 3's name (first and last): \_\_\_\_\_

Student's current school, grade, birthdate: \_\_\_\_\_

Email: \_\_\_\_\_

Phone number: \_\_\_\_\_

I am the child's (circle one): Natural parent      Adoptive parent      Legal guardian



**Educational Rights Holder under welfare code**

By signing below, the signee understands that (1) this is a petition to transform [TARGET SCHOOL] using the [MODEL DESIRED]; (2) that the parent's participation is voluntary; (3) that the parent has received a copy of the petition in the parent's native language prior to signing, has reviewed and fully understands the same, and has had full opportunity to ask any questions or receive any materials explaining the petition or its purpose.

Signature: \_\_\_\_\_

# APPENDIX C

## Bibliography

### Legislation

Text of the seven state Parent Trigger laws can be found online:

*California:*

[www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_0001-0050/sbx5\\_4\\_bill\\_20100107\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0001-0050/sbx5_4_bill_20100107_chaptered.pdf)

*Connecticut:*

[www.cga.ct.gov/2010/ACT/PA/2010PA-00111-R00SB-00438-PA.htm](http://www.cga.ct.gov/2010/ACT/PA/2010PA-00111-R00SB-00438-PA.htm)

*Indiana:*

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## About the Authors

**Joseph Bast** is president and CEO of The Heartland Institute, a 28-year-old national research and education organization based in Chicago. He is coauthor or editor of 21 books, including *We Can Rescue Our Children* (1988), *Rebuilding America's Schools* (1990), *Education and Capitalism* (2003), and *The Patriot's Toolbox* (2011).

Bast is coauthor of four books with Dr. Herb Walberg, a leading authority on school reform, and helped edit two more books by Dr. Walberg, most recently *Tests, Testing, and Genuine School Reform* (Hoover Institution Press, 2011).

Bast's writing on school reform has appeared in five peer-reviewed journals: *Phi Delta Kappan*, *Economics of Education Review*, *Cato Journal*, *The Independent Review*, and *Journal of Private Enterprise*. He has testified before Congress and state legislatures, appeared on national television, and been published by most of the country's largest-circulation newspapers.

**Joy Pullmann** is a research fellow of The Heartland Institute and managing editor of *School Reform News*, a national monthly publication. She previously was the assistant editor for *American Magazine* at the American Enterprise Institute.

Pullmann has been published by the *New York Times*, *Washington Examiner*, *Salt Lake Tribune*, *The Weekly Standard*, *The [Iowa] Gazette*, and various other newspapers and outlets across the country. She graduated from the Hillsdale College honors program with an English major and journalism concentration.

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bring education  
reform back to  
the parents.**

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