

Does Signing a Petition Give Parents a Voice in Schools?

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Parent trigger laws, according to their proponents, give parents power. Gregory McGinity, managing director of policy for the Broad Education Foundation, calls them "a way for parents' voices to be heard."

Sounds good. But is the parent trigger concept a way to put parents in charge of their kids' education, or is it part of a political agenda that will rob parents of even more control? While hardly anyone argues that parents don't want, and don't deserve, a voice in their children's schools, many educators, and even parents themselves, doubt that parent trigger laws increase their involvement.

Many teachers believe parent trigger laws are a way for charter schools to gain a bigger share of the education system. For McGinity, that's not a bad idea. The Broad Foundation promotes the proliferation of charter schools, which he says simply offer parents "a different way for a school to operate." Teachers, however, are alarmed. They see the expansion of a privatized education system, and view parent trigger laws as a means for rushing the process forward.

Their concerns illustrate the big stakes behind passing and implementing these laws. Several very conservative players in national education reform have made parent trigger proposals a key part of their agenda. As they're introduced in state after state, California's experience is being watched closely.

California's parent trigger law, SBX5 4, called the Parent Empowerment Act, was introduced by former State Senator Gloria Romero, and passed in an extraordinary session of the legislature. California was rushing to qualify its application for Federal Race to the Top funds, and proponents said the law would help its chances. In the end, the state did not qualify, but the law stayed on the books. The California version of parent trigger says that if the parents of 51% of a public school's students sign a petition (the "trigger"), they can decide to fire the principal, or bring in an entirely new staff, or close the school, or have it taken over by a charter school operator.

While the California law specifies four options, the parent trigger process is closely related to the establishment of charter schools, which do not guarantee parent control. Using the trigger, "you get one shot and that's it, because once that charter is formed, that

charter dictates how it will operate," John Rogers, associate professor of urban schooling at UCLA, told NBC's Education Nation. "[Parents] have fewer rights in the context of a charter than they would at a public school."

Prominent Democrats, among them Los Angeles Mayor Antonio Villaraigosa (a former field rep for United Teachers Los Angeles), spoke for the bill, although the votes to pass it came mostly from Republicans. Teachers unions lobbied against it, while a chorus of mainstream media hailed it. Patrick Range McDonald of the LA Weekly claimed it was the product of "minority parents and fierce reformers, who seemed to materialize from thin air."

Not quite. While some grassroots parents undoubtedly did support the bill, it was the product of powerful political figures, backed by the wealthy foundations that shape much of the country's debate over education reform. SBX5 4 was written by the Los Angeles Parents Union, started in 2006 by the Green Dot charter school company. The LAPU was headed by political operative Ben Austin, who then started another organization, Parent Revolution, to promote and implement the parent trigger law. At its birth, Parent Revolution had a \$1 million budget supplied by the Bill and Melinda Gates Foundation, the Wasserman Foundation, the Eli Broad Foundation, the Hewlett-Packard Foundation and the Walton Family Foundation.

Austin, recently replaced by Governor Jerry Brown on the state Board of Education, is Parent Revolution's executive director. He was an aide in the Clinton White House, and deputy to Los Angeles' former Republican Mayor Richard Riorden. PR's organizing director is Pat DeTemple, a lawyer who worked for Service Employees Local 1199 on the east coast, for the United Farm Workers before that, and was an organizer for President Barack Obama's 2008 campaign.

Taking Aim: Compton, California

When the law passed, Parent Revolution sent organizers into southeast Los Angeles, one of the nation's poorest communities, with some of its lowest-scoring schools. At first, they concentrated on parents at Willard Elementary School, in the Compton School District.

Compton, where most families are African American and Latino, has huge budget problems, as do most working-class communities in the state. As of May, California had a \$25 billion budget deficit. State spending on K-12 education was cut by more than \$1,000 per student (13.1 percent) between 2007-08 and 2010-11 - a total education budget loss of \$18 billion. Over half the state's schools reduced instructional days, two thirds slashed summer school, and three-quarters of its high schools increased class sizes. A year ago districts sent teachers and classified employees 23,000 layoff notices, and most recipients never went back to their classrooms. This spring thousands more pink slips went out. Some may be rescinded by the fall. Many won't be.

In the current recession Compton's problems have grown to crisis proportions. Last summer its unemployment rate hit 22% while the state was at 12%. Job loss undermines the tax base funding schools and social services. According to Carolyn Ritchie, president of the Compton Council of Classified Employees, AFT Local 6119, this year its school district faced a potential shortfall of \$6.5 million, and last June had to lay off employees. "Because they have to submit a budget to the county office of education for the next three years," she explains, "the Board of Trustees convened a committee of unions, teachers, classifieds, parents and principals, and held a series of meetings. They came up with eight options, some of which did involve school closures."

When Willard parents heard from PR organizers that the school might close, principal Mario Marcos sent a letter home with students, explaining the budget options. "No decision has been made regarding closing any of our schools in the district," he emphasized. Parent Revolution then moved its petition drive to nearby McKinley.

McKinley has an Academic Performance Index score of 684, one of the lowest in the Compton Unified School District. "A woman named Rosemary came to my door," recalls parent Carla Garcia. "She said she wanted to make changes to improve and beautify McKinley. There was a place on the form that asked about our concerns, so I signed and circled safety. I've been worried that the school gates are sometimes left open, and children might wander out, or other people come in." Garcia's daughter Ayalett is in Ms. Williams' first grade class, and Lynette is in Mr. Tellez' 3rd grade class. She's had kids at McKinley since 2000.

Parent trigger proponents argue that the petition process lets parents decide how their school should be changed. But the petition Garcia signed didn't offer a choice of the four options in the law, because it must specify only one. Parent Revolution staff wrote the McKinley petition, before the process of contacting parents had begun. At the start of two inches of legal language in dense small print at the top of the page, it says it would "transform McKinley Elementary School under the RESTART MODEL, to be reopened under Celerity Educational Group, a Charter Management Organization (CMO)."

Celerity has four campuses in Los Angeles, and in 2008-9 total revenue of \$11,028,959, with expenses of \$9,329,906. While its bylaws state "employees may join and be represented" by unions (a right guaranteed by state and federal law), another section says job duties, discipline "and all other work basis will be negotiated in individual at will agreements." At-will employment allows employers to terminate employees or change their conditions "at will." Right away parents were divided over whether or not they favored a charter conversion. Some, like Garcia, felt misled. "They never said this was a petition for a charter school," she charges. "I don't want that for McKinley." She eventually withdrew her signature.

Parent Carroll Turner, however, was so impressed by Celerity she enrolled her daughter at one of its schools. "I don't think McKinley is a good school," she said. Turner came to Compton recently from Tyler, Texas. Before arriving she tried to talk with district staff about where to enroll her daughter. "They didn't tell me McKinley was a failing school,"

she said. "When I found out, I wanted to change that. Every child has a right to a good education." Other parents had mixed feelings about charters. Lilia Buenrostro, with a son in 3rd grade, works part time in the cafeteria and volunteers after school. She went to McKinley herself as a child. "I'm not against charter schools," she explains. "But why don't they organize one from scratch? I don't want them to do it at McKinley. I want McKinley to stay public."

"I don't oppose charters either," says Ritchie. She has one teenage son in a local charter, and one in public school. "What I don't like is the process they used to get signatures. I don't want to see public schools become charter schools, but my main concern that that we have an open process. As a parent myself, I'd be furious if I didn't have any say."

That became the second source of division among McKinley parents. Organizers employed a strategy like that used by unions facing hostile employers. "We knew we'd be in for a fight in Compton," explained DeTemple, Parent Revolution's lead organizer. His crew had no list of parents to work from, so they went door to door, he says, with surveys to identify them. "We knew our petition would be challenged, regardless of the number of parents who signed, and that would go on for a long time." To resolve those challenges in time to bring Celerity in for the following fall term, they wanted to get their petition filed by December.

Organizers visited people individually, and then held house meetings for small groups of parents. They didn't try to organize large, open meetings to which all parents, much less teachers and staff, could come and debate their course of action. As a result, many parents felt excluded.

Victor Varelas, an Ecuadorian immigrant, and former labor and student activist, was one of those parents who believed the school didn't pay adequate attention to families. He points to the benches in front where parents wait to pick up their children. "Why isn't there some cover from the sun or rain?" he asks. "On street sweeping days they get tickets for parking in front while they walk their kids to class. A \$51 fine is a lot for families in this neighborhood. The school promises to do something about it but nothing changes."

That's not what organizers discussed with him, though. "They said a charter school would get the API up to 800," he recalls. Varelas put four children through Compton schools, including McKinley, and now has four grandchildren there. He went to the children's open house, met with their teachers, and checked their work. Like many parents, he worried that a bad score meant a bad school. That's what the mainstream media and the standardized testing industry claim. But it's hard to explain the connection. "665 means education is bad. 800 means it's good," he says. It was even less clear what Celerity Schools would do better than McKinley.

In the meantime, Varelas says, "they also told parents that the school would close, at every meeting. Some parents were scared there'd be no school at all for their children." Finally he grew uncomfortable with the process. "They'd always have these small meetings, where often there were more staff than parents. Other parents began coming to

me, asking why they were holding meetings without telling everyone. The staff was always in charge at every meeting." Finally, on the morning of the press conference where the petition was turned in, Varelas left the campaign.

Petitions were submitted, allegedly from parents of 256 of McKinley's 415 students. From the beginning, however, questions swirled around the signatures and the way they were gathered. On January 19 district human relations officer Alejandro Flores sent a letter to all the parents who'd signed, asking them to come to the school on January 26 or 27 to verify their signatures. Flores' letter was criticized strongly by Parent Revolution and its allies. Spanish-language media focused attention on its requirement that parents show a drivers' license or photo ID to validate their signatures. Commentators said it would make undocumented parents worry that their immigration status might be questioned.

Parent Revolution set up a table outside the school on the verification days, urging parents to boycott the signature checking. Only a few more than 50 came in. Courts halted the verification process, and months of legal wrangling ensued. Finally, in mid-May, Los Angeles Superior Court Judge Anthony Mohr invalidated the petition because many signatures had no dates showing when parents had signed. Without dates, the district argued, it couldn't be sure the student in question was enrolled at the time, or was under the care of the person signing.

Then, on May 25, the L.A. County Office of Education gave Celerity permission to open a charter school at the Church of the Redeemer, two blocks from McKinley. In December, at the time that Parent Revolution filed the trigger petition, Celerity had also independently applied for a separate charter in the McKinley neighborhood. The Compton district turned it down, although its staff recommended approval. The County Office of Education ultimately overruled the board. Parent Revolution hailed the announcement of the charter's approval as a victory, and Austin told a press conference ""the parents of McKinley ... have won that fight."

Pulling for a Trigger in Buffalo

While the McKinley drama was playing out in Compton, in mid-May parents in Buffalo NY pulled kids out of schools for half a day, protesting a two-tier school system. White students are concentrated in three high-quality college-prep high schools, while the high school graduation rate is only 25% for young African American men in Buffalo's majority-Black district.

The action was organized by the District Parent Coordinating Council. It was strongly supported by Buffalo ReformED, an upstate education reform group that wants to implement a local parent trigger law patterned on California's. Buffalo ReformED is very openly pro-charter, but unlike Parent Revolution, which declares itself pro-union, it is very critical of the Buffalo Federation of Teachers.

Buffalo ReformED is funded in part by the Oishei Foundation, set up by John R. Oishei, founder of Trico Corporation, whose factories making windshield wipers became Buffalo's largest private sector employer. The reform group notes on its website that 8000 students in Western New York attend 16 charter schools, with waiting lines to get in. More charters would "foster a partnership between parents, teachers and students to create an environment in which parents can be more involved, teachers are given the freedom to innovate and students are provided the structure they need to learn," the group says.

A detailed paper on the teachers' union contract, however, makes clear that Buffalo ReformED sees the union as a main obstacle. "The Contract," writes director Hannya Boulos, "hinders any effort to provide extra assistance to students outside regular school hours, limits professional development, and limits instruction time, creating a culture that allows for teachers and administrators to do the bare minimum ... the Federation is securing their rights at the expense of students and parents." Boulos concludes that the contract's job protections, including seniority, job definitions, tenure and others "collectively contribute to poor student achievement, and a failing school system. This contract marginalizes the needs of students to a dangerous point."

Implementing a parent trigger law in that context, therefore, would produce petitions to bring in charter companies to take over public schools. If Boutros' goals are achieved, that would drastically affect teachers' conditions and their union.

Other national groups also propose parent trigger laws as part of agendas that favor charter schools, eliminating teacher tenure, and restricting teachers unions. A major one is the Heartland Institute, a libertarian think tank based in Chicago that has fought tobacco regulation and legislation to address climate change. It is part of a constellation of libertarian and conservative groups that includes the Heritage Foundation, the Cato Institute, and the American Legislative Exchange Council. It's funded by the right wing Sarah Scaife and John M. Olin Foundations, as well as Exxon Mobil, Phillip Morris and the Walton Family Foundation.

Heartland in the Heartland

The Heartland Institute has been at the forefront of promoting parent trigger laws to legislators, Tea Party groups, and school reform advocates across the country, according to communications director Jim Lakely. Last year Heartland published *The Parent Trigger: A Model for Transforming Education*, by Joseph L. Bast, Bruno Behrend, Ben Boychuk, and Marc Oestreich. "Conservatives and libertarians should support the Parent Trigger because it could allow parents to choose charters or even vouchers," the paper urges.

After Ohio's first-term Republican Governor John Kasich announced he was including it in his budget proposal, Osterreich, Heartland's legislative analyst, enthused: "It is clear that the traditional union model of reform - more money, more teachers - has failed Ohio. Gov. Kasich's announcement of a Parent Trigger breathes life back into a dying system

by empowering parents to tackle school problems in the most democratic and localized way imaginable."

In March Governor Kasich signed Senate Bill 5, restricting the bargaining rights of 350,000 Ohio public employees, including teachers, in the face of massive protest. He cited an alleged \$8 billion deficit to justify it, the same rationale he used to cut the education budget. That will have a devastating impact on Ohio schools. When legislators started to pull back from including the trigger measure in the budget as well, it was amended to cover only Columbus City Schools, and the budget then passed.

In New Jersey Heartland works with Republican Sen. Joseph Kyrillos, who introduced a parent trigger bill in January that would allow only three options - replacing a schools staff, handing it over to a charter operator, and one additional option not found in California - giving parents vouchers they could use for any other school, public or private. After the bill failed to move, Heartland Institute organized a forum, featuring the senator, for an audience of other legislators, and business and government leaders. Kyrillos, managing partner in a real estate firm, also introduced a bill to end tenure for teachers and set up a merit pay system.

Mississippi's parent trigger law, supported by both Republicans and Democrats, is even more restrictive, allowing only charter school conversion. Other bills are in the wings in Indiana, West Virginia and Georgia, where Heartland also plays a major role. Missouri's trigger bill, HB 393, died when the legislature adjourned in May without passing it, and Colorado's died in a Senate committee. Two bills were introduced in Pennsylvania in 2009, but also failed. In Iowa, North Carolina, North Dakota, Michigan, Maine, Utah, and Maryland media reports indicate that bills are still being considered.

In almost every state, severe budget crises are leading to the layoff of teachers and larger class sizes. At the same time, a wave of Republican governors and legislators are insisting that deficits must lead to budget cuts, without any increase in taxes. There is no way this cannot result in a deterioration of the school system. For conservative think tanks like Heartland Institute, this is all part of a larger agenda for shifting wealth back into private hands, and shrinking the section of government that provides services like education. They oppose measures to make public schools more effective, especially smaller class sizes, because districts would need more money, and have to hire more teachers to implement them. They justify the cuts by saying, as Oestreich does, that more money and more teachers have failed. He presents parent trigger laws as a substitute for more funding, and because they move schools out of the public system.

Foundations closer to Democrats prefer to keep such a program at arm's length. But they accept as a given the wave of restrictions on the funding that schools require. They make no call for the one thing that would help public schools beyond question - higher taxes producing more resources for every student. The common ground among liberal and conservative education reformers, therefore, is that if students don't learn, teachers must be at fault. Schools can be improved, the argument goes, without spending more money,

if the bad teachers are weeded out, and newer, younger and better teachers take their place, or if schools are turned over to more efficient and innovative private operators.

Broad Foundation's Gregory McGinity says, "A significant increase in education spending is not something schools can count on. You have to make sure the funds are getting to the right place." According to Broad's senior advisor Dan Katzir, "Asking whether 'charters' are a solution to America's public education's woes is like asking whether medicine is a solution for illness. Only the right 'type' of medicine, under the right conditions, will make a difference. But when it does, it can make all the difference in the world."

Other reform think tanks go further, even when it seems to contradict the goal of better teachers in more effective classes. Students First, the project started by Michelle Rhee after she resigned as school superintendent in Washington DC, opposes reduced class sizes and more educated teachers. "Small class sizes and required higher pay for higher degrees may have marginal benefits, but the evidence of their effect on student achievement is weak," she says in her Policy Agenda. Parent trigger is a major part of that agenda.

One reason the Heartland report likes parent trigger laws is that liberals, it argues, will support them, in addition to "the center-right coalition" it sees as the source of "most reform proposals based on empowering parents." But there are even more powerful tools the Institute and its allies are prepared to use if they have the political power to do so. In Detroit, a parent trigger process was not needed to advance the wholesale transformation of public schools.

In March of 2009, Democratic Governor Jennifer Granholm appointed Robert Bobb Emergency Financial Manager of Detroit Public Schools. Bobb's salary is being supplemented by the Broad Foundation, where he's a Fellow. For the next year he fought with the Detroit school board, which won a court decision backing its control over academic affairs. After the 2010 election, however, the incoming Republican legislature quickly passed a new Emergency Manager law, allowing Republican Governor Rick Snyder to appoint managers with almost total power over cities and school districts in financial trouble. That gave Bobb full financial and academic control of the district.

By 2010 50,139 Detroit students (36%) already attended charters. Bobb then closed 59 schools, reconstituted 39, and contracted out 1,429 payroll positions (13% of the workforce). Nevertheless, the district deficit rose from \$139 to \$332 million. His 5-year deficit elimination plan in response will increase high school class sizes to 60 students, and close 70 of the 142 remaining schools in the district by 2013.

As Michelle Rhee's Students First agenda states dryly, "New governance models have emerged to allow real reform to take place."

Connecticut Takes a Different Road

In Connecticut, however, another alternative emerged in the negotiations over a parent trigger bill, introduced in its state legislature in February 2010. The original proposal was made in a group of reforms put forward by the legislature's Black and Puerto Rican Caucus, strongly supported by the Connecticut Coalition for Achievement Now.

ConnCAN has focused its energy on opening charter schools and a "money follows the child" scheme to make school districts give charters the state average per-pupil funding for each charter student. Recently ConnCAN launched an initiative, 50CAN, to spread its program to the rest of the country. Its recently-resigned director, Alex Johnson, praised "the brilliance of the parent trigger concept [of the California law] as a tool for activating parents in support of charter school conversions in the LA school district ... [because it] creates a value proposition that offers an immediate, direct benefit to those [parents] who join the campaign."

After negotiations, however, Connecticut's resulting law created a different program to support parent engagement. Under it, all schools that have not made adequate yearly progress in mathematics and reading must form a School Governance Council. A school board can also voluntarily establish one for any school.

Parents elect seven members, and teachers five. The council members then choose two other community leaders. The principal may appoint a non-voting member, and high school students can elect two others, also non-voting. The councils review the school's achievement data, its draft budget, and advise on hiring, program and operations. The council must develop a parent involvement policy and a school-parent compact, and must survey parents every year. It does not, however, have authority over matters governed by a union contract between teachers and a district.

After three years, if the school doesn't improve, the council can recommend reconstitution to the local board of education. If the board doesn't agree, the state Education Commissioner decides. Options include the Federal models of firing the principal, replacing the entire staff, and charter conversion, and state models creating "CommPACT" and "innovation" schools.

"We wanted parent involvement in a meaningful way," says Connecticut AFT head Sharon Palmer. "The parent trigger process didn't provide that. Our goal was better bonding between parents and teachers, and a process where parents could take ownership." Although there was little trust between parent groups and teachers at the start, she says, in the end most agreed,

This approach is similar to one Julie Woestehoff, executive director of Parents United for Responsible Education, says took place in Chicago, when the Chicago Public Schools established Local School Councils in 1989. "These elected, parent-majority bodies make critical decisions about school programs, budgets, and leadership at most CPS schools," she says. "They are the engine for local site management, accountability, and participation." However, according to Woestehoff, the councils were undermined first by a "business- and politician-driven movement" under Mayor Richard Daley, and later by Education Secretary Arne Duncan when he headed Chicago schools.

Like Woestehoff, many education activists believe other alternatives offer more parental control than parent trigger laws. Steve Peha, president of Teaching That Makes Sense, says, "More choices doesn't always mean better choices. The [California parent trigger] law seems to encourage a dangerous polarization of an important issue ... Why not vote to 'improve' a failing school and then take direct responsibility for contributing to that improvement? With more than 50% of any parent community behind improvement (as opposed to restructuring or closure), a school could make immediate and significant gains on many fronts."

Judith Browne-Dianis, co-director of the Advancement Project, asserts, "Signing a petition to close a school does not engage parents in a dialogue, visioning or powerful decision-making ... It's short-sighted and underestimates the power of communities to make systemic change. Additionally, it runs a serious chance of abuse and racial polarization where intentions behind the petition may not be just about academics."

Perhaps responding to similar doubts, Austin claims that in the future, Parent Revolution's campaigns in California may not actually result in the formal filing of petitions. "The most transformative use," he says, "is not to use it at all. Parents can organize to bargain, by using the petition to say, 'we tried to change through traditional routes, and now we have the power to fire you, so you have to sit down and negotiate.'" DeTemple adds that "we're trying to build parent chapters, and we expect them to ally with teachers and administrators, using the petition as leverage with the district." Neither would specify a school or district in which this use was taking place, however.

The Los Angeles Times, which is viewed today with extreme hostility by UTLA and most teachers, suggested another modification. "It makes more sense for the parent petition to have the power to force major transformation, but for the local school board to make the actual decision on which option should prevail." But when the legislature held hearings on modifying the California law to include teachers in the petition process as well as parents, the even more union-hostile Orange County Register fumed "These proposed rules protect bad schools and take power away from parents and give it back to the unions."

In July the California State Board of Education adopted new regulations for the process. They require posting a sample petition on a website, public disclosure of financial support, including the payment of full-time staff, for groups circulating petitions, and forbid paying for signatures. Signatures will be verified by comparing them to existing school records. The regulations still don't require public meetings of parents, however. According to the California Teachers Association, which supported the new regulations, other state laws still require that any charter conversion have the support of a majority of teachers at the affected school, but the new regulations are silent on that issue.

At McKinley, meanwhile, PTA president Cynthia Martinez thinks the school should be given a chance. "The educational level is not where it should be, but it's gone up over the last two years," she believes, and credits the change to Principal Robinson. "A school isn't something you can change from one day to another."

But there's still no cover over the bench where parents wait. They still get citations when they park in front to drop kids off. Education quality aside, you can imagine a mother holding a \$51 ticket deciding that the next time that petition comes around, she'll sign.