

# **Public Sector Choice In California**

**A Pace Working Paper**

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## **Introduction\*\***

The issue of choice in education has been prevalent for many years, but recently has become a topic of renewed interest in California. Eleven choice bills, which would allow parents to select, under varying guidelines, their children's schools, were introduced in the 1989 legislative session. All were held over to 1990 for further study. What has caused this upsurge of interest in choice? There are several reasons, but perhaps primary among them has been the political consensus not to consider seriously public aid to private schools. Vouchers or tuition tax credits have been defeated at the national level, and the Bush administration did not mention the "V word" in its initial advocacy meetings on behalf of choice. Moreover, a Democratic governor in Minnesota has led that state into a public sector open enrollment bill that was emulated by Arkansas, Nebraska, and Iowa. In 1989, California State Superintendent of Public Instruction Bill Honig, who strongly opposes vouchers or any form of aid to private schools, proposed his own bill, AB 2134, that effectively would require parents each year to choose a public school within or outside of their child's assigned school district.

In short, the politics of choice have changed, and the most controversial components, including public support for private schools, have receded into the background. Some public choice approaches have become more popular because proponents assume they will entail very small state costs. Low cost proposals, however, do little to promote the supply of school site alternatives.

Many volumes and papers have been written on the subject of choice. Some of these are included in the bibliography for this paper. Our objective here, however, is not to provide a comprehensive analysis of the choice literature, but rather to analyze the California bills and highlight particular implications of the California context for choice. The companion document which PACE is distributing is a fine overview of much of the general choice literature. Prepared by the Education Commission of the States, it is entitled *Choice: Options for State Policy Makers*.

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\* Policy Analysis for California Education (PACE) is a cooperative endeavor in the Schools of Education at Stanford University, the University of California at Berkeley, and University of Southern California.

\*\* The companion piece to this paper is an overview analysis published by the Education Commission of the States entitled, *Choice: Options for State Policy Makers*, 1989.

## What is Public Sector Choice?

A useful typology of public sector choice options includes:<sup>1</sup>

- 1. *Open Enrollment.*** Families have the option of sending their children to the neighborhood school, any other school within their district, or to another district that has space. This plan would foster some competition among schools, particularly if schools with space are obliged to accept applicants on a lottery basis. Open enrollment works best when there are clearly differentiated choices and transport cost is low. The district of residence could be required to provide a transfer of funds equal to the “marginal” cost of creating an additional student in the receiving district, or the state could pay the added costs.
- 2. *Magnet Schools.*** These are schools that have specialized themes and create attractive options to the more standardized neighborhood schools. Magnet Schools feature arts, sciences, business preparation, or other specialized programs.
- 3. *Mini-Schools.*** Such schools within existing school buildings are designed to help overcome the impersonal nature of large schools. Mini-schools may have magnet-type special themes, but typically are merely “schools-within-schools.” Sometimes these schools-within-schools are teacher-initiated and are then called “teacher-chartered mini-schools.” Usually a section or wing of a large school is provided, giving the school-within-a-school a separate identity.
- 4. *Post-Secondary Options.*** These arrangements permit students to take courses at local post-secondary institutions. The state assists with financial transfers and encourages a menu of post-secondary courses. Most often these are community college and high school link-ups.
- 5. *Mini-Vouchers.*** These are certificates that students can use for a specified, limited range of educational services. Usually, certificates are proposed for secondary students (ages 16–18) who have completed a common public educational experience in grades 1–10, but may want to choose “enrichment areas” outside of the public school. These might include computer programming, vocational education, or art. These private or public supplementary services are most effective when closely integrated with the home schools’ curricula. Students may attend private vocational education schools as one example, or attend special programs for compensatory education or special education away from their normal school grounds.

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<sup>1</sup>Henry M. Levin, *The Theory of Choice Applied to Education* (Stanford, CA: Center for Educational Research at Stanford, Stanford University, 1989).

**6. Private Contractors.** Under this arrangement, particular portions of the school curriculum or program are provided by a private contractor. In the 1970s, for example, some schools contracted out remedial reading programs for low achieving pupils and paid the contractor based on results.

**7. Second Chance or Continuation Schools.** Continuation schools have a long tradition in California. They are small, flexible high schools that accept students who are at risk of dropping out. The schools provide a more personal environment, and their curricula is different from the typical comprehensive high school.

The Education Commission of the States summarized various choice options in Table I.

**Table 1 Priorities Addressed by Various Public-School Choice Plans**

Type of Choice Plan	Family Freedom	Equity	School Improvement
Interdistrict Open Enrollment	Emphasizes the right to choose a public school in any district.	Must be protected by providing parent information, transportation for poor families and non-selective admissions.	Assumed to result from competition. Can be enhanced by providing technical assistance, planning, grants, staff development, waivers.
Postsecondary Options	Allows High school students to choose between high schools and postsecondary institutions.	Protected by insuring nondiscriminatory admissions and extending options to at-risk youth.	Follows from competition. Can be enhanced with technical assistance planning grants, staff development, waivers.
Second Chance Continuation Schools and Mini-Vouchers	Allows poorly performing students and dropouts to choose other educational settings.	No special provisions. Can isolate and label "at-risk" students in marginal alternative programs if program standards are low.	Does not address causes of schools not meeting student needs.
Teacher Initiated Mini-Schools	Attracts families to diverse schools whose goals they share.	Must be protected by providing nonselective admissions, parent information and transportation.	Implemented by allowing teachers to create and manage diverse schools and by supporting school-based improvement in all schools.
Controlled Choice or Open Enrollment	Makes all families choose among all district schools subject to racial balance guidelines.	Strives to insure that all elements of the plan are fair so that voluntary desegregation will have wide support.	Must provide support to help schools develop the capacity to attract and retain families.
Magnets	Allows a small number of families to attend a handful of special schools.	Power to attract premised on the difference in quality between magnet and all other schools.	The magnet schools receive special resources and the ability to create a distinctive program. Other schools are not affected.

Source: Education Commission of the States

## **Choice in California: The Current Status**

California has been incrementally moving into various types of school choice programs. The state funds a large desegregation program (\$363 million) in school districts which have state-approved court orders or voluntary plans. Part of this state funding is used by districts for specialized "magnet" schools. The federal government also has a magnet school program which made grants to six California schools in 1989. All of these federal grant recipients were in urban school districts.

The state provides over two million dollars for nine educational "clinics" that provide dropouts with intensive, individualized instruction in order to prepare them for reentry into another education program or the military. In addition, there are 425 continuation high schools in California that are part of local school districts.

Section 48204 of the Education Code allows students to attend a school in another district if the parent works in that district. The admission decision is made by the receiving district and is based on space availability. State aid is provided to the student in the receiving district. Many local districts provide options within their boundaries and use state funds for this purpose.

Appendix I includes a summary of the major choice bills introduced in the 1989 legislature. These bills all propose major expansions in current choice mechanisms, yet are characterized by divergent and conflicting approaches.

## **The Positions of Education Interest Groups on 1989 Choice Bills**

Many education organizations have not taken specific positions on all of the bills. Table II presents the views as of Summer 1989.

A better understanding of interest group views on choice is embodied in their formal policy statements which follow Table II.

**Table II Legislative Positions**

	CSBA	CTA	CFT	ACSA
AB 149 Allen		no position		
AB 175 La Follette	support (w/amend.)	watch		
AB 375 La Follette	oppose	oppose	oppose	oppose
AB 1086 Hughes		approve		
AB 1411 Quackenbush		oppose		
AB 2007 Frizzelle		oppose	oppose	
AB 2134 Bader		oppose	oppose	
ACA 37 La Follette	oppose	no position		oppose
SB 1274 Hart		watch		

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SOURCE: Policy Analysis for California Education.

### ***Association of California School Administrators (ACSA) Position***

We believe choice promotes greater parental participation in their children's educational opportunities and that this participation would encourage schools to become more effective. We are committed to increased parental involvement in schools. We believe choice may expand academic options and possibly allow programs to be more tailored to the needs of pupils. We believe choice can result in increased community support for education.

**The Association's support is conditional upon resolution of the following social, political and economic issues embodied in the previous statement.**

- **A locally-elected school board is in the best position to decide if the school district can implement a choice plan and must be allowed to make that decision. Any choice plan must have clearly identified goals that can be easily communicated to the community.**
- **Any locally adopted choice plan must ensure that all students have equal access to all of the available programs.**
- **Any locally adopted choice plan must provide information to all parents to ensure their ability to choose the best school or program for their children.**
- **Adequate human, financial, and physical plant resources must be available to ensure the appropriate implementation of any choice plan.**
- **Districts must address the issue of transportation to ensure that choice or open enrollment is available to *all* students.**
- **Choice plans should facilitate integration and must never be allowed to increase segregation.**
- **Parental participation is key to the success of any school and such participation should be encouraged in the adoption and implementation of any choice plan.**
- **Any choice plan must provide a fair system of enrollment in every school and the skimming of any particular group of students must not be allowed.**
- **The enrollment procedures used by a district which has adopted a choice plan must be available to and understood by all parents, and must be structured to provide for continuity and stability in the students' education.**
- **While intra-district choice options may be limited by the size of the school district, small districts can achieve parental involvement through other means identified by the local school board.**
- **Any successful choice program must provide transportation for the pupils who have chosen to attend a distant school and state aid must be provided for the increased transportation.**
- **School districts must have adequate financial resources before implementing any choice programs; current program funding must not be supplanted.**

- The difference in revenue limits between school districts, including basic aid districts, must be addressed in consideration of a choice plan.
- Choice plans would have to be evaluated in terms of their effect on current state programs and funds for special needs students.
- Since choice could require significant staff reallocations and changes in working conditions, school districts must have flexibility in education code requirements and collective bargaining agreements.

### ***California Teachers Association (CTA-NEA) Position***

On closer inspection, choice is not a solution but a sham. Let's look at some realities:

- Affluent parents already have "choice." They move to communities with good schools or enroll their children in good private institutions.
- Poor families—and even most middle-class parents—don't have that option. Nor could many of them afford transportation costs to send their children across district boundaries. And, in all likelihood, relatively few youngsters would want to spend an extra hour, or two, or more, commuting to school each day.
- Almost all of California's 1,028 public school districts are plagued by overcrowding. Offering students the opportunity to enroll in a good school is not going to work if the good school cannot accommodate them—or can accept them only by packing even more students into each classroom and jeopardizing the already precarious quality of education.
- Worst of all is what would happen to all the students left behind—the 50, 75, or 99 percent unable to enroll in a good school. Their already poor school would now have even less money than previously. And these lower funds cannot purchase additional or updated textbooks, equipment, or supplies, let alone hire more or worthier teachers.

CHOICE will probably fall flat on its face. In Minnesota, where some 400,000 public school students were eligible to take advantage of the Berman, Weiler CHOICE program for the fall of 1989, fewer than 1,000—less than one-fourth of one percent—actually signed up for schools outside their home districts.



At the same time, CHOICE poses a danger to education. It gives elected officials an easy way out. "There is no need to put more resources into the schools," they might say. "Students who really want to get a good education can get one. All they have to do is get on a bus."

It looks to me, in fact, as if the Business Roundtable has been taken for a ride. (Remarks by Ed Foglia, CTA President, *Sacramento Bee*, March 21, 1989.)

### ***California School Boards Association (CSBA) Position***

In response to this renewed interest [concerning choice] in mandated attendance programs such as open enrollment, the California School Boards Association has conducted an in-depth study and concluded that current statutes provide local educational agencies with the authority and flexibility they need to successfully implement alternative attendance programs that best meet the needs of students and their families, while also maintaining a quality and equitable educational program for all. These current statutes allow districts to respond to the individual needs of their constituencies and include district-wide open enrollment programs, transfers based on the employment of parents and the families' child care needs, schools, independent study, and community college concurrent enrollments for high school students, to name a few.

The flexibility provided in current statutes must be maintained. The California School Boards Association remains steadfast in its belief that decisions on appropriate student enrollment patterns should be based upon a local assessment of student needs through a community-based approach. These decisions must be responsive to student needs, parental desires, and communal expectations if schools are to be effective. Such programs cannot be successful, however, unless they are developed and implemented by the local community.

The California School Boards Association supports maintaining the flexibility for providing local options in open enrollment which exists under current statutes, and sees no need for additional state or federal mandates which limit individual districts from devising plans to meet the unique needs of their community.

The California School Boards Association has and will continue to encourage local governing boards, in partnership with parents, professional educators and communities, to explore these attendance options, as well as other mechanisms, in order to further involve parents in the education of their children and the system itself.

Based on the current availability of alternative enrollment options and locally developed programs which involve parents and communities in our public schools, the California School Boards Association believes that a statewide mandatory open enrollment program is unnecessary and may in fact prove detrimental to our educational system overall. Local needs should dictate local decisions. As a result, the California School Boards Association Board of Directors approved a motion stating:

**“The California School Boards Association Board of Directors opposes state or federally mandated open enrollment other than the flexibility that currently exists within statutes.”**

In addition, the California School Boards Association Board supports local creativity in designing enrollment options that are best suited to the individual needs of each local school site, district, and community.

And further, the association supports pilot programs, the creation of other locally generated options under existing statutes, and the full examination of current alternatives available to school districts. The association is committed to the use of such programs by districts, while also expanding knowledge of “choice” issues among parents as well as federal, state and local decision makers.

### ***California Federation of Teachers (CFT-AFT) Position***

The California Federation of Teachers, AFT, AFL-CIO, supports an expansion of parental and student choice within the public schools. Thus, the CFT does not support vouchers for private school tuition, but it does support parental/student choice within districts and within schools. At this time, the CFT supports only limited choices across district lines; however, the CFT is willing to explore how such choices might work within a metropolitan consortium of several suburban districts and an urban center. For example, teacher transfers and shared financing might also be part of inter-district choice plans.

The CFT believes that an expansion of parental and student choice must first include more diversity within the public system. What is the value of choice if all of the schools are the same? To get more diversity, the CFT advocates an increase in decision-making at the school site, including a waiver process for setting aside district, state, and union regulations or agreements. The CFT supports efforts to give the school site more authority in hiring.

Second, the CFT believes that parents must have adequate consumer information in order to make choices. This means that school sites must have data about their school, requiring that district data be reported site-by-site and that new “authentic” assessments be developed at the school site.

Third, the CFT supports efforts to “re-structure” those schools that are not chosen and that are not satisfying the public interest.

## **Summary of The Political Outlook for Choice**

Choice remains very controversial with strong advocates supporting and opposing various aspects of choice proposals. California’s education interest groups demonstrate a striking lack of consensus toward the 1989 legislative proposals, with no apparent coalition emerging among the various educational lobbies. The California Business Roundtable strongly supports choice among public schools. State Superintendent Honig supports AB 2134 (Bader), which would require every school district to establish an open enrollment policy, but opposes many other choice bills and concepts, particularly those that aid private schools.

Various legislative authors have widely divergent views about basic choice concepts. Governor Deukmejian supports the general concepts of choice, but has expressed concern about the impact on racial and ethnic integration. At this point, his position depends on the specifics of the legislation rather than on any ideological view. If choice legislation is to be enacted in California, the task remains for the legislature and governor to create some kind of compromise among disparate interest group positions.

## **Public Sector Choice in the California Context**

The general arguments about choice provided in the companion paper by the Education Commission of the States are useful, but often need to be modified substantially to fit the California context. In the following section, we examine several California educational system characteristics and their impact on potential choice options.

## *California Characteristics That Facilitate Choice*

***School Finance Tax and Spending Disparities.*** A problem that has arisen in Massachusetts and Minnesota concerning inter-district choice is caused by widely differing local property tax rules and consequent differences in per pupil spending. In many states, school districts receiving pupils from nearby low property tax districts complain that they are subsidizing low effort taxpayers who are able to keep their property taxes low, but send their children across district lines to districts that have a higher property tax and spend much more per pupil.

This problem does not apply in California because, as a result of Proposition 13, all property tax rates have been equalized across the state. Moreover, 95.6 percent of California pupils attend schools in districts in which the state per pupil revenue limit is within a band of \$240. This highly equalized state finance system means that choice rarely will be based on the ability to move a child from a very low spending school district to a nearby high spending district. Consequently, the state will not frequently be asked to provide extra funds either to the sending or receiving district in order to compensate for large tax and spending disparities between neighboring school districts.

Another unusual California school finance formula feature is the "basic aid" district. These districts have so much property tax per pupil that they are exempt from the revenue limit formula and receive only the constitutionally mandated \$120 per pupil from state funds. They rely on their property tax yield for almost all of their revenue limits. The total amount of their state and local general aid budgets are *not* affected by the number of pupils they have. Other districts in California will gain or lose about \$2,400 per pupil as pupils exit or enter their boundaries under an inter-district choice system. This could be a significant financial incentive to compete. But the basic aid districts do not gain or lose any state general aid or suffer from enrollment loss. Currently, there are 16 districts under the basic aid formula but more are eligible each year.

***District Boundaries.*** California has 1,026 school districts. Nearly half of these enroll fewer than 1,000 pupils. Many of these small districts are in urban areas. Moreover, several small districts are often in close proximity to one another within the same city or town. San Jose, for example, has 21 separate districts within its city limit. Elementary districts (K-8) are often particularly geographically close to one another. The population explosion in Orange County, for example, has created a crazy quilt of school boundaries that bears no relationship to city or town boundaries. A sense of community is lacking in many school districts that are separated by freeways and have no relationship to any other political jurisdiction.

Many California children reside in at least two school districts (elementary and high school) and have a mailing address in a town that is not the same name as either school district. These school district boundary characteristics may serve to enhance inter-district choice.

*County Inter-District Transfer Appeal Procedures.* California has a long-established procedure at the county level for hearing appeals concerning inter-district transfers. These procedures could be expanded without significant changes to accommodate inter-district choice. The administrative work load would increase, but there would be little conceptual change in the appeal procedure.

*School-Based Information Systems.* Choice proponents agree that specific and comprehensive school-based information systems are essential to good choice systems. California has arguably the best school site information system in the nation. The ready availability of information should help to inform potential consumers.

California initiated school performance reports in 1985 and has made significant improvements since then. The California Assessment Program (CAP) and the California Basic Educational Data System (CBEDS) have provided a wealth of standardized information on school inputs, processes, and outcomes as well as parental background variables. This system was made even more robust by Proposition 98, enacted in June 1988. Proposition 98 mandates a School Accountability Report Card for each school. The report card is required to contain the following information:

- Student achievement in and progress toward meeting reading, writing, arithmetic and other academic goals
- Progress toward reducing dropout rates
- Estimated expenditures per student, and types of services funded
- Progress toward reducing class sizes and teaching loads
- Any assignment of teachers outside their subject areas of competence
- Quality and currency of textbooks and other instructional materials
- Availability of qualified personnel to provide counseling and other student support services
- Availability of qualified substitute teachers
- Safety, cleanliness, and adequacy of school facilities
- Classroom discipline and climate for learning
- Teacher and staff training, and curriculum improvement programs
- Quality of school instruction and leadership

School districts have been urged by the state since 1984 to supplement state-standardized indicators with locally-based indicators such as school climate, amount of high school writing, parental involvement, and other unique local context variables. Many districts have developed expanded local school site reports and choice might spur additional such efforts.

The availability of detailed school site information does not mean that all consumers equally will seek and use such information. As Levin has demonstrated, the use of complex school site information tends to be biased toward more educated parents.<sup>2</sup> Supply of good school information does not eliminate the equity issue of information use. The large number of immigrant and limited English proficient parents in California makes the use of school site information highly variable and unequal.

### *California Characteristics that Inhibit Choice*

The characteristics cited earlier tend to make choice somewhat easier to implement in California than in many other states. But there are several unique California characteristics that would inhibit choice programs from operating equitably or effectively.

*Threat of Increased Racial or Ethnic Segregation.* Minnesota is a leader in state-mandated open enrollment, but it is one of the least racially diverse states in the United States, with only 8 percent of its population representing racial or ethnic minority groups. California is the most racially and ethnic diverse state in the nation. Currently, minorities make up more than half of California's school children. The fastest growing of the minorities are Hispanics and Asians. By the year 2,000, 42 percent of California children will be white, 36 percent Hispanic, over 13 percent Asian, and 9 percent black. The latest racial and ethnic survey for California reports that over 70 percent of California's minority children attend racially isolated schools. Seventy-seven percent of black students attend racially isolated schools, defined as over 50 percent minority enrollment.

A requirement that choice not increase racial segregation may lessen the possibility of a choice plan being approved. State Superintendent Honig's proposed bill, for example, implies that in many localities, choice will be restricted to areas that are all one race or ethnicity.

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<sup>2</sup>Henry M. Levin, *op. cit.*

***Pupil Enrollment Growth and Lack of Facilities.*** Public sector choice is made easier when space is available in receiving schools. It is unlikely that many districts will build new schools to accommodate transfers out of the normal attendance area. This is particularly true when one considers that since Proposition 13, most school districts must use state school construction funds. The state building fund was completely exhausted in summer 1989, and there is a very long line of requests for new state school facilities assistance.

Future California enrollment growth will cause even more crowded schools with few spaces for choice-based transfers. California's school enrollment will grow by 140,000 pupils a year for at least the next five years, and probably beyond. In 1988, 7.3 million children lived in California; by the year 2,000, this number will rise to 8.7 million—a growth of 20 percent. This enrollment growth, coupled with the costs of inflation, will necessitate an annual increase in current operating expenditures of 8 percent, or nearly \$23 billion over the next decade, just to maintain the current system. The fastest growth districts will be in Southern California counties, such as Riverside, San Bernardino, Ventura, San Diego, and the Sacramento area. Pupil spaces for choice will be extremely limited in these counties, but will be available in slow growth counties such as San Mateo and Marin.

***State Categorical Funding for Magnet Schools.*** Many choice proposals create a parental demand for choice, but no added supply of differentiated schools. Some successful choice programs include categorical funding for magnet schools. These specialized theme schools provide more options with specific characteristics. Senate Bill 813, enacted in 1983, authorized magnet schools, but these have never been funded. It is unlikely that a large state-financed magnet school program can be funded given the requirements for statewide enrollment growth outlined previously.

California does, however, fund magnet schools under its categorical programs for voluntary desegregation. Consequently, choices that create more desegregation might include some support from state desegregation assistance. However, the racial and ethnic balance of some school districts probably would have to change substantially to trigger these state funds in some geographic areas.

***Availability of Student Transportation.*** Choice within and among districts has been inhibited in some states by the lack of school district-provided transportation beyond the neighborhood or close to other district boundaries. But the problem takes a different form in California. After Proposition 13, many school districts eliminated all pupil transportation in the name of cost savings. Students were left to make their own transportation arrangements or use city or county public transit systems. While the unavailability of transport may restrict the exercise of public sector choice in some areas of California, the lack of school buses is not the issue. Only 21 percent of California's school enrollment is transported in school buses, and 20 percent of students use public

transportation. The remainder walk or use private transport. The impact of choice on school transport may be a non-issue in some school districts, but will be a significant concern in others.

County transit systems sometimes are better suited to cross school district boundaries than to provide direct routes within California districts. For instance, Santa Clara County transit routes have no logical relationship with the twenty-one individual school districts within San Jose or the surrounding suburban districts. Transit routes, however, do encompass the entire geographic area. Thus, lack of transport may have greater impact on choice *within* districts than inter-district choice between districts. Lack of public transport will most seriously inhibit the options of low income families, and thus could present a serious problem for many school districts.

*Funding Uncertainty.* Choice systems are resisted by some school officials because unexpected pupil inflows or outflows inhibit education planning and budget projections. California's schools have a particularly difficult problem in budget planning because of their overwhelming reliance on state funds. Often the legislature and governor do not agree on school funds until August, when school is to start in September. California school districts rely on state legislation and allocations for approximately 90 percent of their operating budgets. Proposition 98 may reduce this fiscal uncertainty somewhat, but likely not significantly.

Consequently, choice options could exacerbate the already high uncertainty level surrounding local school budgets. Currently, local school districts can project their enrollments but not their state aid. With the advent of choice programs, enrollments might also be uncertain, particularly if the state has some role in funding choice through categorical programs such as desegregation, compensatory education, or bilingual education. The issues raise additional questions: does the state categorical aid for compensatory education follow the child to the new school or district? What if the compensatory education pupil chooses to attend a school that has very few other compensatory education pupils and the school is not otherwise eligible for federal Chapter I or the California Economic Impact Aid Program? All of these uncertainties could make local planning under choice plans difficult.



## Concluding Comments

The ECS companion paper to this PACE working paper highlights several points that bear attention:

- *Choice is not a panacea.* Choice must be linked to other school improvement strategies if the purpose is to achieve the long-run goal of restructuring schools.
- *Choice is not low-cost school improvement.* When choice plans are constructed carefully, and when choice is linked to other school improvement strategies, it will involve new investments in education.
- *Choice must offer diversity and quality.* If families are offered a choice among uniform and mediocre schools, choice will do nothing but stir the fires of discontent.
- *Choice must be well planned.* When choice policies are carefully designed and attention is paid not only to family freedom, but also to school improvement and educational equity, the positive outcomes may outweigh any negative ones.
- *Choice must be carefully implemented.* When a change of this magnitude is contemplated, a phased-in process of implementation will do much to avoid potential pitfalls and to assuage political opposition.
- *Choice is also for students who do not move.* The success of choice is not measured by the number of children who change schools, but by the improvements that schools make in order to be attractive to retain the students they currently serve.

Joe Nathan, a choice advocate, provided the following list of characteristics necessary for successful choice programs:

- A clear statement of the goals that all schools are expected to meet
- Information and counseling for parents in selecting among the various programs available to their children
- School admissions procedures that are fair and equitable—not based on “first come, first served” or on the past achievement or behavior of students
- Help for all schools in developing distinctive features, rather than simply concentrating resources on a few schools
- Opportunities for teachers and principals to create programs

- **Transportation for all students within a reasonable geographical area**
- **Requirements that state dollars follow students**
- **Procedures for ensuring racial balance and promoting integration**
- **Oversight and modification of the plan as necessary.**

**Public sector education choice is an issue that has increasing political visibility in California. It is certain to garner more legislative attention, but it is unclear at this point whether any workable compromise can emerge from the host of divergent political and educational viewpoints now contributing to the California debate.**

## **Appendix I**

*Following is a short description of each of the parental choice bills introduced in the 1989 California legislative session.*

**Allen Bill Sunset Extension** — AB 149, Allen (R-Cypress), would extend the sunset date for the provisions of current law which allow elementary school pupils to attend school in the district in which their parents are employed.

**School Board Hearing On Schools of Choice** — Assembly Member Marian La Follette (R-Northridge) has introduced several bills on choice. This bill, AB 175, would require all school districts to notify parents that they may request the district to hold formal hearings regarding the establishment of public schools of choice. It would require school boards to hold such hearings if requested by thirty or more parents in the district.

**Mandated Interdistrict and Intradistrict Choice Plan** — AB 375, La Follette (R-Northridge) would allow any pupil to apply to attend any school district in the state. ADA would follow pupils to the receiving district and be allocated to the school or program the student chooses to attend. The bill would allow a receiving district to reject an application for specified reasons only (such as inadequate capacity or increased segregation). This bill would also require receiving districts to ensure that at least 25 percent of the students admitted under this application process be children receiving Aid to Families with Dependent Children (AFDC). AB 375 would also mandate intradistrict choice by requiring every school district to allow open enrollment within the district, subject to criteria similar to that proposed for the interdistrict plan.

**Interdistrict Transfer Information and Choice Study** — Assembly Member Teresa Hughes (D-Los Angeles), Chair of the Assembly Education Committee, has introduced AB 1086, to require school districts to report information on the race, socioeconomic status, and academic standing of pupils currently transferring into and out of a district under interdistrict attendance agreements. It would also provide for a study of the issues involved in parental choice of schools.

**Optional Interdistrict and Intradistrict Choice Plan** — AB 1411, Quackenbush (R-Saratoga), would authorize any school board to allow pupils from other districts to attend its schools. Districts adopting such a policy would be required to ensure that pupils are admitted through a fair selection process and would require that at least twenty-five percent of the pupils so admitted be children from AFDC families. The receiving district would be required to provide pupil transportation within the boundaries of the district, and to provide transportation to AFDC recipients from home to the school of choice. Transportation is contingent upon funding in the budget. AB 1411 would also allow pupils to apply to attend any school within a school district, prohibiting the rejection of transfer applications based on criteria such as race, sex, scholastic or athletic achievement, or parental income. It would require that criteria used by each school district in determining whether to accept or reject applications for pupil intradistrict transfer be adopted by

resolution of the school board and, if such transfers are permitted, districts would be obliged to comply with the twenty-five percent AFDC children provision noted above.

Finally, the bill would require each school district to approve or reject each application for interdistrict or intradistrict transfer within sixty days of receiving the application. Reimbursement for mandated costs would be provided from the State Mandates Claims Fund, up to one million dollars statewide.

**Transfers From “At-Risk Schools”** — AB 2007, Frizzelle (R-Huntington Beach) is similar to AB 1411 except only students in high schools that have been designated “at-risk schools” by the State Department of Education would be allowed to apply to transfer to another district or school. Districts would be required to notify the parents of pupils enrolled in “at-risk schools” of their right to apply for a transfer. Also, the bill requires twenty-five percent of students admitted to a district be from AFDC families, prohibits transfers that disrupt desegregation plans, provides funding for transportation if money is included in the budget, and stipulates that ADA must follow the students.

**Mandated Intradistrict and Optional Interdistrict Choice Plan** — AB 2134, Bader (R-Pomona), was introduced at the request of State Superintendent of Public Instruction Bill Honig. It would require every district to establish a district open enrollment policy; parents not receiving the placement they requested would be given a written statement of the reasons for denial.

AB 2134 would also rewrite and expand the law regarding interdistrict attendance. It would allow districts to limit the number of pupils transferring out of the district each year. Conversely, districts could elect not to accept any students from other districts, but would be required to establish an impartial system for admittance if they chose to accept any students at all. Thus, the bill would impose new requirements on districts that chose to receive pupils from outside districts. Final stipulations of the bill include requirements that priority for attendance go to students living in the school’s attendance area, no funding for transportation be provided, ADA would follow the students, and a “cap” based on district size be put on the number of students who are eligible to leave any district.

**Vouchers, Independent Schools, and Mandated Open Enrollment** — ACA 37, La Follette (R-Northridge), is a proposed constitutional amendment which would need to be passed by the Legislature and then by the voters at a statewide election in order to take effect. It would create two new classes of schools (in addition to current public and private schools): “private independent schools” and “public independent schools” which would be authorized to redeem state educational scholarships. Public independent schools would be schools organized by school districts, community college districts, and public postsecondary educational institutions as public corporations.

Every school-age child in the state would be entitled to receive, free of charge, a state educational scholarship redeemable at any independent school. The average face amount of the scholarships would be equivalent to approximately ninety percent of the average public cost per pupil for public school pupils. Independent schools would be required to accept the scholarships as full payment from low-income pupils, but could impose an additional charge on other pupils, based on the parents' ability to pay.

ACA 37 would also require the Legislature to mandate an open enrollment policy under which the state's students could attend any school in any district. Districts with available space would be required to admit pupils and to give priority to low-income pupils.

**Demonstration Program** — Senator Gary Hart (D-Santa Barbara), chair of the Senate Education Committee, has introduced SB 1274 to allow school districts, or consortia of school districts, to apply to establish demonstration programs to restructure public education. The applicant districts would design their own plans to restructure education, but each plan would be required to include six core components, one of which is providing parents the choice of schools within the district. If the demonstration program is operated by a consortia of districts, the districts involved may offer interdistrict choice.

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