



**House  
Legislative  
Analysis  
Section**

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**PUBLIC SCHOOLS OF CHOICE**

**House Bill 4615 (Substitute H-7)**  
**First Analysis (11-28-89)**

**Sponsor: Rep. Claude Trim**  
**Committee: Education**

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HB: 4615 (11-28-89)

**THE APPARENT PROBLEM:**

In its report entitled "A Nation At Risk," the National Commission on Excellence in Education warned six years ago of a "rising tide of mediocrity" in the nation's schools that threatens the integrity and quality of the educational system — and the future of the nation itself. More recently, U.S. education secretary Lauro Cavazos conveyed a similar assessment of the nation's schools, despite apparent efforts to improve educational quality. Indeed, this year's meeting of governors and the U.S. president — the first such summit called in over fifty years — focused on how to address the apparent crisis in education. Of the ideas advanced at the "education summit," the concept of "schools of choice" received a good deal of attention. Under this proposal, parents would choose which school within a school district their children would attend, which some believe could infuse a spirit of competition into the educational system — not unlike the forces that mold the free market — prompting individual schools to improve educational performance. Most Michigan school districts currently require children to attend a particular school determined primarily by where a child lives. If parents could choose the public school their children would attend within a district, some people believe schools' creative potential could be unleashed as schools would be forced to compete to attract students.

**THE CONTENT OF THE BILL:**

The bill would amend the School Code to provide a procedure under which a local school board would work to determine whether its school district would implement or continue to implement a schools of choice plan. Under the bill, a public school board would have to notify in writing the State Board of Education before January 1, 1993 whether it had adopted, was adopting, would adopt, or would not adopt a schools of choice plan. A school board that notified the state board of its intention to adopt a choice plan could choose at any time not to do so, but would have to notify the state board of this revised decision and the rationale behind it.

School District Planning Committee. If a school board that did not have a choice plan in place by the bill's effective date resolved to implement a plan, it would have to establish a school district schools of choice planning committee. The committee would be composed of an equal number of parents and pupils, teachers, and various school officials and administrators. The committee would develop and submit to the school board a schools of choice plan for the district or a report recommending other action by the board.

Under the plan, the parent, legal guardian, or person in loco parentis of each child living in a district would have to be given — as far as building capacity, a child's proximity to a school, available transportation, and the special needs, talents, and learning abilities and styles of pupils would permit — the opportunity to select the public

school that his or her child would attend. Schools that could be chosen include, but would not be limited to, vocational-technical, magnet, and other specialty schools, including schools within schools. A committee could make special provisions to allow a pupil 16 years of age or older to choose which school he or she would attend, and for students whose custodial parents did not agree on the school their child would attend.

Schools of Choice Plan. A schools of choice plan would have to ensure at least all of the following:

- That all school-aged children, parents, legal guardians, and persons in loco parentis of a school-aged child living in the district were provided 1) information about the plan, and the philosophy and staffing of each school so that an informed decision could be made, 2) access to counseling about the plan, and 3) existing information based on testing and analysis regarding the child's intelligence, learning style, special talents, and educational needs;
- That transportation to the school chosen was provided to a child if he or she were from a low income family, as determined by the Department of Education, or from a single parent or "two-career" family that fell below a department-determined income level and that could not provide transportation for the child due to a job-related schedule;
- That each child had an equal opportunity, subject to limitations specified in the bill, for enrollment in the school chosen for, or by, the child;
- That successful school programs, as measured by increased pupil enrollment or improved pupil performance, or both, were provided with adequate resources to continue and expand, consistent with the school improvement plan and process;
- That the teachers and principals of a school building had the authority to make decisions regarding school programs for their building as long as the school programs were consistent with the locally-approved school improvement plan;
- That if the district was under a court-ordered desegregation plan, a provision was included in the plan which explained how pupil assignment and transfer policies would maintain the integrity of the desegregation plan;
- That a provision was included in the plan specifying that if the school board had joined an athletic association, the pupils and schools of the school district remained subject to that association's rules; and
- That a process was included in the plan by which a pupil could enroll in a different school during the school year.

Building-Level Planning Committee. When a district planning committee began developing a schools of choice plan, each school within the district would have to establish a building-level schools of choice planning committee. Members could be appointed or informally elected to the committee, which would be composed of teachers and administrators of the school, plus parents and other school

district residents. This committee could be a presently existing committee if it met the membership requirements of the bill. The committee would work with, or could be the same committee as, the school improvement process committee, and would examine the school's strengths and educational goals and consider ways in which the school could offer high quality educational programs that could meet the particular needs of school-aged children in the district. The committee would prepare and transmit a report of its findings to the district's schools of choice planning committee which would use the report to develop a plan for the district.

Public Hearing on Committee Plan. After a district's planning committee developed a plan, the committee and the school board would have to hold 1 or more joint public hearings within the school district to explain the plan. The explanation of the plan would have to include at least the following:

- A list and description of each school that could be chosen;
- The method of pupil selection if the number of pupils wanting to enroll in a particular school was greater than the school could accommodate; and
- The fiscal impact of the program, including transportation, on the school district.

After a district's planning committee received public opinion concerning its schools of choice plan, it could revise the plan. Upon the committee's finalization of a plan, the school board would approve and implement, or reject, the plan. However, if implementation of a plan was chosen in a district that was under a court ordered desegregation plan, the plan could not be implemented until it received court approval.

Reporting Results. Each school district implementing a schools of choice plan, including those that implemented a plan before the bill's effective date, would have to report annually for 5 years to the Department of Education, not later than June 30, the results of implementing the plan.

Responsibilities of the Department. The department would have to:

- Provide guidelines for school districts to use in determining how pupils from families that needed transportation assistance would be transported;
- Provide training, technical assistance, and administrative support, as needed, to school districts implementing a plan;
- Disseminate information to school districts, the public, and the legislature on the characteristics and success of plans implemented under the bill; and
- Monitor all new plans implemented under the bill to determine if these complied with the bill's criteria for each plan.

Public Access to Meetings, Information. Planning committee meetings would have to be held pursuant to the Open Meetings Act, where public notice of the time, date, and place of a meeting would have to be given as required under the act. Also, all documents prepared, owned, used, in the possession of, or retained by a planning committee in the performance of an official function under the bill would have to be made available to the public as required under the Freedom of Information Act.

Tie-bar. The bill is tie-barred to Senate Bill 43, which would require school boards to adopt a three-to-five year school improvement plan. That bill is currently before the House Committee on Education.

MCL 380.1283 and 380.1283a

## **BACKGROUND INFORMATION:**

According to the Department of Education, the following types of alternative programs are being offered by school districts in the state:

Detroit Public Schools. While no open enrollment exists at any grade level, Detroit does have some magnet schools which provide students with a specific curriculum at each site. These schools include: Cass Tech (technology and science high school), Renaissance High (gifted and talented), Burton International (global and foreign language school), Bates Academy (gifted and arts), and Couzens Elementary (foreign language and international studies). Detroit also offers a "school within a school" concept, where some students can concentrate in certain subject areas on a specific course of study. (For instance, students interested in studying commerce may take a block of required and elective courses related to that subject.) Students, or their parents, must apply to attend these schools and meet the specific requirements of each.

Farmington Schools. The district offers one magnet school — Highmeadow Common Campus, opened in 1988 — which includes kindergarten to fifth grade, and emphasizes academics. Because more students apply to attend than the school can accommodate, a lottery system is used to select who will attend. The district reportedly has no plans to expand this school.

Flint Public Schools. In this district, magnet schools are offered at the elementary, middle, and secondary levels. Currently, 18 schools participate in a limited open enrollment, including: Southwestern Academy, which has certain academic prerequisites; Northwestern, which offers a school-within-a-school program in science and mathematics; and Central, which has a school-within-a-school program in humanities and fine arts.

Utica Schools. Here, a student or his or her family may choose any school in the district as long as the parents provide the needed transportation and the student-teacher ratio in the faculty contract is not violated.

Saginaw Public Schools. Parents may select the school they wish their children to attend, and about 25 percent choose a school other than the one assigned. The selection process is limited, however, to ensure schools do not become segregated by race or ethnicity. Also, one full-time magnet elementary school, called "Program for Creative Academics," exists, while two half-time magnet schools focus on the arts, science, and technology.

Benton Harbor. Though the district does not offer open enrollment, it does have three elementary schools and one junior high school for the academically gifted. The district provides transportation to all students regardless of where they are enrolled, and 25 percent of them are enrolled in buildings outside their geographic proximity.

Many families also may opt to enroll their children in a secondary vocational education program, where the student or parent(s)

selects the program that best meets the student's needs or career goals. Examples of these include the following:

Comprehensive High School Programs. Enrollment follows the normal program selection process existing within a district. However, open enrollment is limited by a lack of time available for electives in the 11th and 12th grades of local districts. District residents participate for free, but the enrolling district can accept tuition students from other

districts. Each district's financial resources also limits the number of vocational education courses that are offered. These programs exist in the Flint, Warren Consolidated, and Lansing school districts.

**Shared Time Programs.** Similar to comprehensive vocational programs, these involve a number of school districts that have pooled revenues and existing programs in order to serve a larger student population base and offer more occupational programs. Students who reside in any of the consortium high school districts may participate in this program without paying tuition. These programs are offered in the Ionia, Western Washtenaw, and Kalamazoo school districts.

**Area Vocational Center Programs.** These are adopted through a vote of electors in a particular region, such as in an intermediate school district, and offer vocational programs to students residing in the area. Participation is limited to the class time available to students during the 11th and 12th grades, with program selection based on a student's interests. These programs exist in the Ingham, Branch, and Traverse Bay intermediate school districts.

In addition to these options, some local school boards allow choice within a district to accommodate child care before and after school. Such options exist in the Adrian, Lansing, and Grand Rapids school districts.

### **FISCAL IMPLICATIONS:**

According to the Department of Education, the bill would add additional duties to the department which would require one additional staff position at a cost of approximately \$50,000 per year. Local school districts could also have additional costs depending on whether a choice program was adopted, how many families within a district chose to utilize the program, and the number of students requiring transportation (and the distance of transport) to their school of choice. These costs could not be determined; however, because adopting a choice program would be optional under the bill, additional costs would be borne entirely by each local school district that opted for choice — without reimbursement from the state. (11-27-89)

### **ARGUMENTS:**

#### **For:**

The "schools of choice" concept embodied in the bill could improve many of the state's public schools by utilizing free market principles, particularly the driving force of competition, to encourage school improvement among individual schools. Introducing competition into the educational environment could bring about more diversity among programs offered by schools, unleash the creative potential of each school, spur education officials — including teachers, administrators, school board members, parents, and even local citizens — to become more involved in and work harder at improving education at the local level, and increase awareness of the importance of a good education on the future lives of the state's children (and on the future of the state itself). Just as free-market competition invigorates the business sector, competition resulting from the bill could force school bureaucracies to either improve school offerings or risk losing their clientele. No longer would public schools hold an educational monopoly on local residents, who currently have no alternative (unless they are financially able to go outside

the district) but to attend the public school to which they are assigned. Further, offering a choice program within districts could encourage individual schools to specialize in certain academic or vocational areas to meet the needs of students who chose to attend that school.

#### **For:**

The choice concept has been implemented in places such as New York state's East Harlem Community School District (with, after 15 years, impressive results) and in the state of Minnesota (where, beginning in 1990, parents will be able to choose which school — from among any in the state — their children will attend). Various studies show that well-designed choice programs such as these have resulted in higher student achievements, improved graduation rates, increased parental involvement, and greater morale among educators who are able to create distinctive programs.

#### **Against:**

Several objections have been raised to the general concept of schools of choice and to this bill specifically.

- The bill is not necessary since school boards, and the communities in which they operate, can implement choice programs under current law. By establishing an extensive bureaucratic procedure for implementing choice, the bill would only serve to hinder the adoption of choice by school districts. In fact, several school districts throughout the state have already implemented various alternative education programs from which students within an area can choose (see BACKGROUND INFORMATION). By mandating that schools decide whether or not to offer choice, and requiring an extensive procedure be followed to implement choice, the bill would undermine Michigan's long-standing tradition of local control.
- While advocates of the bill insist that allowing choice within districts will infuse competition among schools and ultimately improve all schools, not enough research exists to substantiate this. Choice would probably benefit only those children from families actively involved in their children's education who are also more financially able to secure access to the best schools.
- Huge disparities in resources exist among schools right now. Choice programs would direct resources away from neighborhood schools to the "successful" ones, further aggravating existing disparities and creating a stratified, elitist educational system.
- The transportation costs alone would make the bill cost prohibitive for most districts. Ironically, the bill is aimed at creating a competitive atmosphere in districts having more than one school building — which tend to be located in metropolitan areas — yet many of these districts cannot afford to implement choice programs. Again, without providing schools the money they need to improve, proposals such as this would do little to improve educational quality in schools that need help.
- Of the 515 school districts in the state, only 39 districts have more than one building per grade level category, according to a Department of Education report. These districts alone could offer a full range of choice at all grade levels, while the remaining 476 districts could offer only a limited choice or none at all.
- Adopting choice within a district would severely hinder the ability of school administrators to strategically plan for the future (i.e. developing school budgets, determining whether to use existing facilities or build new ones, maintaining adequate staff personnel, or planning

- course offerings) due to continually shifting attendance rates.
- Some feel the bill is one step away from implementing a system where parents would receive financial "vouchers" that could be used to pay tuition costs at private or public schools.

### ***POSITIONS:***

The governor's Cabinet Council on Human Investment supports the bill. (11-27-89)

The Michigan Federation of Teachers supports the bill. (11-17-89)

The Michigan Manufacturers Association supports the bill. (11-17-89)

The Detroit Association of Black Organizations, which represents 175 Black community organizations, supports the bill. (11-27-89)

The Department of Education supports the concept of the bill. (11-27-89)

The Michigan Association of School Boards opposes the bill. (11-17-89)

The Michigan Parent-Teacher Association (PTA) opposes the bill. (11-17-89)

The Michigan Association of School Administrators opposes the bill. (11-17-89)

The Middle Cities Education Association opposes the bill. (11-17-89)

The Association for Retarded Citizens of Michigan opposes the bill. (11-17-89)

The Michigan Education Association opposes the bill. (11-27-89)