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Parent Trigger and Related Legislation – An Overview

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What follows is a review of recent legislative activity on “parent trigger” and related legislation. True parent trigger legislation, where a majority of parents—and parents alone—can petition to privatize a public school with little or no input from elected officials, teachers or community, was first passed in California (SBX4) and Mississippi (SB 2293) in 2010. In 2011, Ohio passed a parent trigger pilot program (HB 153) just for the Columbus School District. In 2012, Louisiana passed HB 976 to become the fourth state to have a true parent trigger mechanism.

There are additional laws that are sometimes described as parent trigger but which either include other voices or put a focus on school improvement. Connecticut passed such a law with AFT support (SB 438) in 2010. In 2011, Texas (SB 738) and Indiana (HB 1002) passed a law that included parent petitions in larger actions to turn around low performing schools. In 2012, Idaho passed HB 590 which requires both 60% of parents and teachers to agree to convert a school to a charter or virtual school.

Recent Action

In 2012, parent trigger legislation passed out of a committee in one house of the legislature in California, Colorado, Florida, Michigan, Minnesota, and Pennsylvania. Of those, legislation in Michigan and Pennsylvania could still be passed in the 2012 session.

States that have seen parent trigger language introduced in the past two years include: Arkansas, Arizona, California, Colorado, Florida, Georgia, Indiana, Maine, Maryland, Michigan, Minnesota, Missouri, New Jersey, Nevada, New York, Oklahoma, Pennsylvania and West Virginia.

Parent trigger legislation in Maryland, Missouri, New Jersey, and West Virginia included a voucher option for parents to use when petitioning to alter school governance. The voucher option is from the American Legislative Exchange Council’s version of parent trigger first adopted by ALEC’s Education Task Force in 2010 and approved by the full ALEC Board in January 2011.

Descriptions of Parent Trigger Laws

California

In order to be subject to a petition by a majority of parents, a school must have failed AYP for three consecutive years and been in corrective action under NCLB for at least one year. Parents can petition to replace all staff and faculty, convert to a charter school where parents can choose the management organization, or close the school. A local school board can choose an alternative intervention if it finds that the parents’ choice cannot be implemented. The school district must follow the standard review process for the charter management organization selected by parents. Also, no more than 75 schools can be subject to a parent petition. Parents must disclose any financial or organizing support received and cannot be paid by proponents of a charter conversion. If signature collectors are being paid in any way, it must be disclosed to the state.

Louisiana

Louisiana’s law allows parents of children attending failing schools to vote to have their low performing school eligible to be a Recovery School District charter. The school must have received a letter grade of “D” or “F” for three consecutive years. Low-income students attending an RSD school are eligible for a state-funded private school voucher. The local school board has no role in the process; the state board of education only validates the petition and approves the request from a majority of parents.

Mississippi

A majority of parents can petition the state board of education for conversion to a charter school if the school is low performing for three consecutive years. The local school board has no role in the process. The state board of education only validates the petition and approves the request from a majority of parents; however, a local public hearing is required.

Ohio

The pilot program allows Columbus parents to petition the district for reforms if their children are enrolled in a school that has been ranked at the bottom

5 percent for three consecutive years.

A range of plans can be petitioned for including: conversion to a charter school, replacement of at least 70% of the school's personnel, handing over operation to the state department of education, or contracting with another school district or charter management organization. A local school board can appeal to the state department of education if they can prove the reform cannot be implemented. The pilot program must be reviewed annually by the department.

Descriptions of Related Parental Involvement Laws

Connecticut

Parental action does not come as a petition process, but rather from a school governance committee with a majority of parents and community members and that also includes substantial teacher representation as well. The committee can recommend from a range of options such as to reconstitute the school based on any of the federal models (turnaround, restart, transformation, etc), turn the school into a ComPACT school (CT state turnaround program with labor, management and community involvement), or convert the school to an innovation school. The original law states that only 25 of these committees can be established per year. In 2012's education reform legislation, AFT successfully pushed for a requirement that councils be established in every low performing school in the state.

Idaho

Idaho's law requires 60% of parents and teachers to agree to convert a public school to a charter or virtual school. The law provides that a hearing public hearing must occur before the public charter school commission and the effected local school board must be given an opportunity to be heard. The public charter school commission has the discretion to approve or deny the parental and teacher petition.

Indiana

The law allows for a majority of parents to petition the local school board to convert a school to a charter school if the school is low-performing for 2 consecutive years, but not already scheduled for closure. The district school board must vote in favor of the conversion.