

## FREQUENTLY ASKED QUESTIONS REGARDING THE “PARENT TRIGGER” LAW

### 1. What is the “parent trigger” law?

The “parent trigger” or “parent empowerment” law (Education Code §§53300-03) was enacted by the California Legislature in January 2010 as part of the state’s effort to seek funding under the federal Race to the Top program. Under federal law, public schools which do not meet targets for annual student achievement improvement are to be **restructured in one of four ways** by state authorities.

The parent empowerment law allows **a majority of the parents** whose children are or will attend a particular public school to **petition** their local school board to require the school to be restructured in one of these ways. The number of such petitions is limited to 75 statewide. The school board is required to implement the type of restructuring requested for the next school year, unless it makes a written finding stating the reasons it *cannot*, and instead chooses a different restructuring option to be implemented at the school.

The State Board of Education adopted emergency regulations to implement the law, but these are set to expire March 14, 2011. This summary is based on those regulations.

### 2. What are the four restructuring choices?

They are the same choices school authorities are given under federal law for persistently low-performing schools. The parent empowerment law gives parent a direct voice in deciding what course to follow. The four choices are:

#### A) *Charter conversion(Restart Model):*

A charter school operator, rather than the district, assumes responsibility for operating the school. A charter school is a public school operating under the Charter Schools Act, which frees the management of the school from district policies and many provisions of the Education Code. How a charter school is organized and operates is spelled out in a charter petition document that contains a detailed description of its governance, educational program and other matters. There are more than 900 charter schools operating in California. High-performing local examples of charter schools serving high school students are High Tech High, the Preuss School at UCSD, and Steele Canyon High School. State law prescribes how charters are funded.

No student can be required to attend a charter school, but students in the existing school attendance area will have a right to attend the charter school if they wish. Those who elect not to attend a charter school are entitled to attend another district-run school.

No teacher can be required to teach at a charter school. Charter schools typically have the right to select their employees. The district’s collective bargaining agreement covering teachers does not apply unless the charter school petition so states. Teachers who are not hired by a charter school that is converted are typically reassigned to another district-run school by the district.

The parent petition may attach a charter petition including the agreement of an existing charter school operator to run the school. The emergency regulations allow the parent petition to leave the selection of the charter operator to the district.

**B) *Turnaround Model:***

Changes in the school are under district control. The principal must be replaced, along with at least 50 percent of the teachers. The new principal must be given greater operational flexibility in staffing, calendaring and budgeting. A new governance structure must be implemented for the school. More professional development must be provided to teachers, and data must be used to implement an instructional program that is research-based. This option should give the local school community more control over staffing and budget, but , this is not assured. The district controls funding levels.

**C) *Transformation Model:***

Changes in the school are under district control. The principal must be replaced, but all other staff may be left in place. Teacher evaluations must take student achievement into account, along with other assessments of performance. is is the least significant change. Over time, high performing staff are to be rewarded, and low-performing staff are to be removed. Financial incentives for performance are to be provided. The district controls funding levels.

**D) *Closure:***

This option would close the school altogether and send the students to other, higher-performing schools nearby.

**3. Does the parent trigger law apply to my school?**

The Parent Trigger applies to every school in California that is on Program Improvement Year Three or above, has an API score of under 800, and is not classified as one of the lowest 5% of schools in the state .

**4. What must the petition contain?**

*Signatures of a majority.* Although there is some ambiguity in the law, we believe the petition must contain the signatures of parents representing a majority of the students attending district schools at the time the petition is submitted who either currently attend, or in the fall will attend the “target” school. Each current student or matriculating student must be represented on the petition by one parent. The regulations require the petition to provide optional spaces for the address of the signer, but do mandate printed and signed parent (or guardian) names, and identification of the pupil represented, with a separate line for each student if the parent signs for more than one student.

*A request to implement a restructuring option.* The greater the specificity of the option described, the greater the burden on the district receiving the petition to explain the reason it cannot implement the specific recommended option.

## **5. What are the unanswered questions about the process?**

Based on our experience with charter school petitions, and on the one parent trigger effort pursued in Compton, we anticipate:

--Challenges to the validity of signatures, with the district or others claiming the right to scrutinize and verify their validity. In charter schools, the courts have rejected such claims.

--Whether the district can reject, modify or condition the option identified in the parent trigger petition? The receiving district may *only* reject the petition if it “cannot” be implemented. In that event, the district may select another option, or explain why it must modify the proposal presented by parents. Since the statute does not provide for any appeal of the district’s decision, the rights of petitioners are likely to be defined by the courts.

--Whether options other than the charter conversion option can succeed? Charter conversion/restart petitions appear to be the most likely choice for achieving real change. This is because the Charter Schools Act has addressed the biggest barriers to changes in school policies, staffing, and provides clarity in funding levels. Other transformational models face questions as to whether they can be implemented based on existing collective bargaining agreement restrictions, existing school district policies, and district control over funding of school reform efforts. The parent trigger statutes lacks clear guidance as to whether non-charter transformational choices can or must be implemented, including the timing of implementation.

### **Other questions:**

#### **Q: Can all students in feeder schools be assured they will be accepted into the charter school?**

A: The charter petition can expressly give lottery preference within the former attendance boundaries of the high school. The parent trigger regulations also say that the charter school "must enroll, within the grades it serves, any former student who wishes to attend the school." This may put federal startup grants at risk-- but new administration in DC may be more flexible on this than the last one was.

#### **Q: How does transportation work at a charter school? Is it different for a conversion charter school or for a Parent Trigger school?**

A: Generally, neither charter schools nor district schools are obligated to provide student transportation. There are limited exceptions for some special needs students. Districts may provide transportation in aid of voluntary integration programs, magnets school, or when required under federal law school choice programs. Conversion and parent trigger charter schools do not differ.

#### **Q: I am a teacher at a school that will be converted to charter. What are my options?**

A: You can't be required to work at a charter school, so you can decide to apply to work there, or tell the district you want to be reassigned.

**Q: What happens to a teachers tenure and retirement if they are hired by the charter school? Is there a way to preserve tenure in the event they want to return to the District at a later date?**

A: Charter schools enter into their own contracts with employees. They typically don't provide for tenure, but often do provide that termination must be for cause. Once you take a leave from the district, or terminate employment at the district, your right to return is based on what is in the district collective bargaining agreement--or what is in the charter petition regarding return rights. In other words, the charter petition can propose that teacher retain their return rights, and can even say that work at the charter school counts towards seniority at the district. Alternatively, teachers can be "on loan" from the district, and be district employees "leased" by the charter school for some term. However, usually, districts and their unions do not agree to return rights, limit or prohibit "on loan" arrangements, and do not want to count charter employment towards seniority at the district.

**Q: Can a charter school teachers have a contract?**

A: As noted above, they all do. Charter school employees often have individual, written contracts. However, they also have the right to organize under PERB supervision, and seek a collective bargaining agreement.

**Q: Would employee salary and benefits package be the same at a charter school?**

A: That depends upon the charter school proposal. Some charters "lease" employees from cooperative districts, without changes in salary and benefits. However, most have comparable salaries, but different benefits because the charter school must purchase its own coverages for its employees. Most charter schools offer STRS and PERS participation.

**Q: If a teacher elects does not get hired or wish to teach at the charter school – is their tenure impacted?**

A: A teacher's tenure with the district is not affected by the fact that the school is converted to charter status.

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