



PARENT TRIGGER LAWS: POWERFUL TOOLS OR EMPTY SHELLS? AN EXAMINATION OF THE NEW LAWS THAT PUT POWER INTO PARENTS' HANDS

By Anne E. Hoover¹

I. INTRODUCTION

What if parents had the power to gain control of a public school and force it to change or even close? In 2010, the nation's first "Parent Trigger" law was passed in California, which did just this.² Now the law in seven states (California, Connecticut, Indiana, Louisiana, Mississippi, Ohio and Texas) and being considered in 25 others,³ Parent Trigger laws allow parents to step in and reform or even completely transform their child's failing public school if

¹ J.D. Candidate, 2014 Rutgers University School of Law—Camden.

² CAL. EDUC. CODE § 53300 (West 2010). On December 15, 2009, State Senator Gloria J. Romero (D- Los Angeles) introduced the "Parent Empowerment Law" to the California legislature, Article 3 of SBX54, in an effort to win "Race to the Top Funds." Complaint for Injunctive and Declaratory Relief at ¶ 6, *Murphy v. Compton Unified Sch. Dist.*, No. BC454226, 2011 WL 3791644 (Cal. Super. Ct. Mar. 23, 2011) (No. BC454226), 2011 WL 3813517. The bill traveled quickly through the legislature, narrowly passed by one vote, and was signed into law by Governor Arnold Schwarzenegger on January 7, 2010. *Id.*

³ *Parent Trigger Laws in the States*, NAT'L CONF. OF ST. LEGISLATURES, <http://www.ncsl.org/issues-research/educ/state-parent-trigger-laws.aspx> (last visited June 6, 2014).

fifty-one percent of other parents sign a petition in support of change. When parents in these low-performing schools collect enough signatures, they can force a number of actions including converting the school to a charter school (by handing control over to a private company or management group), replacing principals or teachers, changing the budget, or shutting down the school entirely.⁴

Supporters of the law claim it is simply a long overdue means for parents to gain a voice in the educational process, and it gives parents the necessary power to affect change when the often slow and inefficient bureaucratic school system fails them.⁵ But while the assumption that “parents know best” and deserve a voice seems like a positive idea, the practical implications and motives behind the passage of Parent Trigger laws have raised controversy. Opponents warn the law is an aggressive step towards privatizing education, as many claim the interests of corporate charter schools, rather than parents, are the ones being best served.⁶ The laws, they argue, are simply a mechanism for charter operators to harness control of public schools and the tax dollars that come along with them.⁷

This note begins by outlining a brief history of these laws and the differences between public and charter schools, in an attempt to set the backdrop against which the need for Parent Trigger laws became apparent. Part III of this note will examine, compare, and

⁴ *Id.*

⁵ Jeb Bush, *Education Bill Gives Parents Political Power*, TAMPA BAY TIMES, Mar. 8, 2012, <http://www.tampabay.com/opinion/columns/education-bill-gives-parents-political-power/1219019>.

⁶ See Marcos Restrepo, *Parent Trigger Bill Defeated in Florida Senate*, FL INDEP. (Mar. 9, 2012, 4:03 PM), <http://floridaindependent.com/72448/parent-trigger-bill-defeated-in-florida-senate>. Senator John Thrasher (R), in considering the passage of a Parent Trigger law in Florida, which ultimately failed in March 2012, describes his opponents’ views on the laws as a possible infringement on the public education system, but disagrees that the laws would be harmful. See Leslie Postal, *Parent Trigger Bill Sparks Fierce Debate as Vote Nears*, ORLANDO SENTINEL, Mar. 7, 2012, http://articles.orlandosentinel.com/2012-03-07/features/os-parent-trigger-florida-2-20120307_1_school-boards-florida-pta-john-thrasher.

⁷ Restrepo, *supra* note 6. While Florida’s Parent Trigger bill was on the Senate floor, debates raged as to the real goals of the law. *Id.*

contrast the current laws as they appear in the seven states that have passed them. Part IV will discuss the outcomes of the four separate school districts where Parent Triggers have been put to the test, and will identify the problems the processes encountered. Part V will analyze the laws and discuss the major problems and controversies surrounding Parent Trigger laws. Finally, Part VI of this note will offer solutions to the problems with existing Parent Trigger laws, discuss possible alternatives to the laws, and present model legislation.

II. BACKGROUND

Public education is a political beast. The causes are hotly debated; the solutions even more so. Politics, socioeconomic factors, bureaucracy, regulations, teachers unions, and parents are all implicated in this nation-wide issue, and to examine all the vastly complex strings involved in American education would reach beyond the scope of this note. But if there is one overarching ideology that must prevail, it is that children and their futures should be the sun around which all other educational policy interests revolve. Public education policy has for too long served as a political platform, and now, with the charter school movement gaining speed, has arguably become a corporate, profit-driven opportunity.

Proponents of Parent Trigger laws stand for the fact that the interests of children, and not adults, should be at the forefront of all educational policy discussions. But they make one critical assumption that sets their emerging agenda apart from other education reformists: parents deserve all the power. By putting power into parents' hands, they argue, the needs of children are more accurately met. Parents, out of all the adults interested in education policy, are the biggest stakeholders, with their children's futures being the stakes.⁸ Parents arguably have a perspective and sense of urgency that no one else shares, and handing over control to them, some may argue, will be key to their children's futures.

⁸ Claudio Sanchez, *In California, Parents Trigger Change at Failing School*, NPR (Dec. 14, 2010, 3:15 AM), <http://www.npr.org/2012/12/14/167167100/in-california-parents-trigger-change-at-failing-school>.

A. BIRTH OF THE PARENT TRIGGER

So if you had to guess who introduced the concept of Parent Trigger laws—concerned parents, right? Wrong. The idea of a Parent Trigger law was created by the charter school company Green Dot, under the direction of policy consultant Ben Austin.⁹ In 2009, Green Dot formed a spin-off organization dedicated solely to lobbying for Parent Trigger legislation, called Parent Revolution.¹⁰ Parent Revolution not only received Ben Austin as its new Executive Director, but was bestowed with a \$1 million dollar budget in its first year of existence,¹¹ a majority of which was donated by various influential and wealthy corporate leaders, such as Bill Gates.¹² As Parent Revolution lobbied for the California Parent Trigger law's passage, teachers' unions vehemently opposed the bill, accusing it as a union-busting measure designed to achieve corporate profits. Among the law's biggest opponents were the California Parent Teacher Association and the California Association of Teachers.¹³ In the face of criticism that the law's mission is to push the charter school agenda, Austin maintained that "[w]e are completely agnostic as to whether kids are served with charter schools or other district schools," and that the

⁹ Kayla Webley, *'Parent Trigger' Laws: Shutting Schools, Raising Controversy*, TIME (June 14, 2011), <http://www.time.com/time/nation/article/0,8599,2077564,00.html>; see also David Bacon, *Trigger Laws: Does Signing a Petition Give Parents a Voice?*, RETHINKING SCH., Fall 2011, available at http://www.rethinkingschools.org/archive/26_01/26_01_bacon.shtml.

¹⁰ Webley, *supra* note 9.

¹¹ Bacon, *supra* note 9.

¹² Parent Revolution is funded by the Bill & Melinda Gates Foundation, the Wasserman Foundation, the Eli Broad Foundation, the Hewlett-Packard Foundation, and the Walton Family Foundation. Bacon, *supra* note 9; see also Natasha Lindstrom, *With 'Parent Trigger' Laws on the Ropes, Three Overhauled Schools Reopen in Los Angeles*, TIME (July 26, 2013), <http://nation.time.com/2013/07/26/with-parent-trigger-laws-on-the-ropes-three-overhauled-schools-reopen-in-los-angeles/> [hereinafter Lindstrom, *With 'Parent Trigger' Laws*].

¹³ Simone Wilson, *Compton's Parent Trigger Feud*, LA WEEKLY NEWS, Dec. 30, 2010, <http://www.laweekly.com/2010-12-30/news/compton-s-parent-trigger-feud/> [hereinafter Wilson, *Compton's*].

ultimate goal of the laws is simply for “parents to have a seat at the table.”¹⁴ Today Parent Revolution continues to develop the Parent Trigger, working with a \$5.5 million budget and approximately forty-five staffers, and has helped create thirteen parent union chapters in the greater Los Angeles area.¹⁵

Benefits: Even when parents don’t pull the trigger, the mere existence of a Parent Trigger law in a state might even improve school/parent relations. The hope is that if school districts know the possibility exists for parents to step in under the laws, they might be more inclined to communicate with parents in the educational process to avoid application of the law.¹⁶

B. DEVELOPMENT OF CHARTER SCHOOLS

For alternative means of education outside the neighborhood public school context, most states have developed school choice policies that allow parents flexibility in where to send their children to school. These alternative school choice models vary depending on the state, but often include charter schools, magnet schools, open-enrollment policies, and private school support programs such as vouchers,¹⁷ scholarship tax credits, and personal tax incentives.¹⁸ Charter schools have gained the most traction, as forty-two states and the District of Columbia have passed laws allowing charter schools as a method of public education.¹⁹ Although the number of charters compared to traditional public

¹⁴ Webley, *supra* note 9.

¹⁵ Lindstrom, *With ‘Parent Trigger’ Laws*, *supra* note 12.

¹⁶ *See Parent Trigger Laws in the States*, *supra* note 3.

¹⁷ For a discussion of school vouchers, see TERRY M. MOE, SCHOOLS, VOUCHERS, AND THE AMERICAN PUBLIC 26 (2001) (noting that teachers’ unions “put vouchers in a different category from virtually all other issues in the politics of education reform. Vouchers are public enemy number one, as they see it, and must be defeated at all costs.”).

¹⁸ JOSH CUNNINGHAM, NAT’L CONFERENCE OF STATE LEGISLATURES, COMPREHENSIVE SCHOOL CHOICE POLICY: A GUIDE FOR LEGISLATORS 1 (2013), available at <http://www.ncsl.org/documents/educ/ComprehensiveSchoolChoicePolicy.pdf>.

¹⁹ Each state’s charter school policy varies. *Id.*

schools is proportionately small,²⁰ as of 2012, over two million American students were enrolled in charter schools.²¹

Born in 1991,²² charter schools' defining but often confusing characteristic is that they are publicly funded through tax dollars, but independently run.²³ This means that they are supported mainly by public tax dollars and do not charge tuition, but have considerable autonomy to shape their mission, hiring practices, and budget. This means that unlike the traditional public schools (run by local school districts), charter schools do not have their curriculum, staff, or budget dictated by the local school boards.²⁴ Instead, charter schools are usually run by outside charter management organizations (CMO), which are non-profit entities that manage multiple charter schools, and typically operate schools under a certain model or philosophy.²⁵ An education management organization, (EMO) is a for-profit version of a CMO.

²⁰ Interview with Caroline M. Hoxby, *Competition, School Choice & Charter Schools*, PBS FRONTLINE, <http://www.pbs.org/wgbh/pages/frontline/shows/vouchers/choice/choice.html> (last visited June 8, 2014).

²¹ NAT'L ASS'N OF CHARTER SCH. AUTHORIZERS, PRINCIPLES & STANDARDS FOR QUALITY CHARTER SCHOOL AUTHORIZING 3 (2012), available at http://www.qualitycharters.org/assets/files/images/stories/publications/PrinciplesStandards.2012_pub.pdf. In January 2010 there were over 5,000 charter schools in 39 states and the District of Columbia, approximating 1.5 million charter school students. See *Charter Schools*, EDUC. WEEK, (Aug. 3, 2004, updated May 25, 2011), <http://www.edweek.org/ew/issues/charter-schools/>. By 2012, the number of charter school students increased by almost half a million, signifying that charters are on the rise. See *The Condition of Education: Charter School Enrollment*, NAT'L CENTER FOR EDUC. STAT., http://nces.ed.gov/programs/coe/indicator_cgb.asp (last updated Apr. 2014).

²² CUNNINGHAM, *supra* note 18, at 2. The first charter school was opened in Minnesota. *Id.*

²³ Natasha Lindstrom, *Parents Choose New Charter Operator in First Ever Parent Trigger*, HECHINGER ED (Oct. 19, 2012), http://hechingered.org/content/parents-choose-new-charter-operator-in-first-ever-parent-trigger_5705/ [hereinafter Lindstrom, *Parents Choose*].

²⁴ *Id.* at 5.

²⁵ *Id.* at 3. As of 2011, approximately thirty-nine percent of charter schools were operated by either a CMO or EMO. *Id.*

This autonomy is met with a tradeoff, as charter schools are more closely monitored and must reach the same or higher accountability standards as required for public schools.²⁶ Their progress is overseen and monitored by a “charter authorizer,” which is the agency the state has chosen to make responsible for granting the original charter application and conducting periodic reviews of the school’s performance.²⁷ Depending on the state, the authorizer is usually the local school district, which also runs the local public schools, but might also be a university, a nonprofit organization, or private business.²⁸ Unlike public schools, charter schools risk having their charters revoked and facing shut down if the authorizer finds the school’s progress insufficient. However, charter schools are free from having to comply with a few certain statewide educational regulations that bind public schools, such as requiring certain teacher licensures and teacher benefits.²⁹ Any parent may apply to these schools for their child’s admission and usually a lottery system is used.

The flexibility charters have in operating includes their decisions on hiring staff. Unlike public schools, which are often locked into teachers’ union contracts, charters have the ability to deny union participation.³⁰ Depending on the state, the charter is also free from having to hire teachers with certain licenses, to provide teachers with the district or state pension system, or from giving automatic raises or tenure.³¹

The main agenda of charter schools is to serve students’ needs more effectively than traditional public schools can, as freedom from certain regulations allows more innovation and more ability

²⁶ CUNNINGHAM, *supra* note 18, at 3.

²⁷ *Id.*

²⁸ *Id.* at 2. In California, the agency overseeing charters progress is the school district. Lindstrom, *Parents Choose*, *supra* note 23.

²⁹ CUNNINGHAM, *supra* note 18, at 2. Such regulations include requiring certain licenses for teachers, and incentives for teachers to earn masters’ degrees. *Id.*

³⁰ *Id.* at 5.

³¹ *Id.*

to adapt to the needs of communities and students.³² With higher levels of autonomy and minimized administrative and compliance burdens, charter schools are able to use class times, budget, and resources in unique ways to meet identified educational needs of communities.³³ Charters also serve as a test model for broader public education purposes by allowing a small-scale implementation of new ideas and programs, and the success or failure of these schools can serve as an example for wider-scale public school reform.³⁴ Although the broader effects of charter schools operating in tandem with public schools is not widely known, competition among many different schools can arguably lead to great outcomes in terms of student performance.^{35,36} There is a growing dissatisfaction with charters' racially homogenous student bodies,³⁷ as the movement has been called "a civil rights failure."³⁸

³² See NAT'L ASS'N OF CHARTER SCH. AUTHORIZERS, *supra* note 21, at 5-6; see also CUNNINGHAM, *supra* note 18, at 4-5.

³³ NAT'L ASS'N OF CHARTER SCH. AUTHORIZERS, *supra* note 21, at 5.

³⁴ But see Molly O'Brien, Free at Last? Charter Schools and the "Deregulated" Curriculum, 34 AKRON L. REV. 137, 155-56 (2000).

³⁵ Hoxby, *supra*, note 20. "What we hope is that the public schools will be able to improve, especially in response to competition, and that competition will empower the people in the public school system who know how to do this job." *Id.*

³⁶ Some argue that public schools faced with competition from charters will no longer have the "luxury of ignoring the preferences and needs of parents and students if those students can choose to attend a charter school and take their public funding with them." Nicholas Dagostino, *Giving the School Bully a Timeout: Protecting Urban Students from Teachers' Unions*, 63 ALA. L. REV. 177, 201 (2011).

³⁷ ERICA FRANKENBERG ET AL., THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES AT UCLA, CHOICE WITHOUT EQUITY: CHARTER SCHOOL SEGREGATION AND THE NEED FOR CIVIL RIGHTS STANDARDS 1 (Jan. 2010), available at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/frankenber-choices-without-equity-2010.pdf>.

³⁸ *Id.* Charter schools attract a higher percentage of black students than traditional public schools, in part because they tend to be located in urban areas. As a result, charter school enrollment patterns display high levels of minority segregation, trends that are particularly severe for black students. *Id.* at 4.

III. AN EXAMINATION OF THE CURRENT LAWS

Seven states, California, Texas, Connecticut, Indiana, Louisiana, Mississippi, and Ohio, now have Parent Trigger laws on the books.³⁹ Although each law varies state-to-state, they all reflect one common goal: to put parents in charge of their children's failing schools.

A. THE BASICS

With the exception of Connecticut,⁴⁰ all states' Parent Trigger laws require that a majority (fifty-one percent) of parents or legal guardians whose children attend the school sign a petition signifying their support for application of the law.⁴¹ Some schools even require that the petition be signed by fifty-one percent of those parents whose children are not currently enrolled at the school, but will matriculate into it from lower grades.⁴²

Each state sets its own guidelines for which schools can be subjected to the law. Some of the states' qualifications are broad, requiring only that the school be identified as in need of improvement or low-achieving.⁴³ Other, more specific guidelines

³⁹*Parent Trigger Laws in the States*, *supra* note 3.

⁴⁰ S.B. 438, 2010 Leg., Reg. Sess. (Conn. 2010). Connecticut's Parent Trigger is least like the other states' parent triggers, and in fact is not even really a "trigger" at all, in that no petition for change by parents is permitted. Instead, the law establishes "School Governance Councils," where the majority of traditional school board seats are filled by parents of the students at the school. *Id.* These Councils have the power to hire school leaders, and are in charge of developing plans to improve the school's academic performance once it is identified as low achieving or in need of improvement. *Id.* Options include turning the school into a "ComPACT school" (a school based on Connecticut's turnaround model), or following any of the existing federal school models. The state, and not the local school board, has to power to approve the Council's intervention plan or deny it. *Id.*

⁴¹ *See Parent Trigger Laws in the States*, *supra* note 3.

⁴² *Id.* Ohio requires that both a majority of current and the majority of prospective students' parents sign the petition, while California allows "any combination" of current or prospective parents to reach the fifty-one percent requirement. *Id.*

⁴³ For example, Texas Senate Bill 738 and Mississippi Senate Bill 2293 merely require the schools to be considered "low-performing" for a total of three years. *Id.*

for what constitutes an applicable school are laid out in some of the bills.⁴⁴ However, most of the states require that the school be considered low-performing for at least two or three consecutive years.⁴⁵ Some states restrict application of the law to only certain districts, such as Ohio's Parent Trigger law, which was designed as a "pilot program" applicable only to schools in the state's Columbus school district.⁴⁶

B. WHAT ACTIONS ARE AVAILABLE?

States vary in terms of what intervention options are available to parents who gain a majority support for change. In some states, the only option for a Parent Trigger school is to transform into a charter.⁴⁷ But the majority of these laws are centered around some combination of the three following remedies: (1) replacing certain staff and faculty members related to low-performance; (2) transforming the school, usually into a charter school; or (3) closing the school entirely.⁴⁸ Some state laws also allow other various options, which include turning the school over to the state department,⁴⁹ contracting with another school district,⁵⁰ or

⁴⁴ For example, Louisiana requires its qualifying schools to have received a low grade from its grading system (a "D" or an "F") for three consecutive years. *Id.* Ohio's law requires the school to be in the bottom five percent statewide for three consecutive years. *See Parent Trigger Laws in the States, supra* note 3. California's law similarly mandates that the school must have failed to meet "Adequate Yearly Progress" for three consecutive years and additionally have been in "corrective action" status under No Child Left Behind for at least one year. *Id.*

⁴⁵ *See id.* Indiana's law requires only two consecutive years of low performance, but every other state with Parent Trigger laws requires three years of low performance. *Id.*

⁴⁶ *Id.*

⁴⁷ Indiana and Mississippi only allow parents who gain fifty-one percent of signatures to transform the school into a charter. *Id.*

⁴⁸ *See Parent Trigger Laws in the States, supra* note 3. California, Ohio and Texas allow for all three of these remedies, while other states include some but not all of these options. *Id.*

⁴⁹ *Id.* In Louisiana, a trigger school is transferred into the special state-operated Recovery School District, where low-income students attending this type of school are eligible to receive a state-funded private school voucher. *Id.*

reconstituting the school into a “turnaround,”⁵¹ “restart,” “transformation,” or “innovation” school.⁵² The differences in the options available to parents may reflect the individual state legislature’s pro- or anti-charter viewpoints.⁵³

C. WHAT CAN SCHOOL BOARDS DO?

Once parents successfully pull the “trigger” and gain the required amount of support from other parents, the next step is to put the proposal into effect. To do this, trigger proposals must be approved or ratified, typically by a local school board, to become enforceable. As will be discussed in further sections, this is where the battle often becomes a draw, as school administrators are not eager to relinquish control so easily. But first, let’s examine what the laws require for parent petition plans to be put into action.

Many of the laws require that the parent petitions for change must be approved in some way by the local school board.⁵⁴ Since

⁵⁰ Ohio allows full turnover to the State Department, well as the option to contract with another district or a charter organization. *Id.*

⁵¹ *What We Do*, PARENT REVOLUTION, <http://parentrevolution.org/what-we-do/> (last visited June 6, 2014).

⁵² Connecticut’s law mandates that the only options available to trigger schools are to be “reconstituted” based on any federal models, turned into a “ComPACT” school, which is part of the Connecticut state turnaround program, or converted into an innovation school. *Parent Trigger Laws in the States*, *supra* note 3.

⁵³ For a more in-depth discussion of charter schools and their advantages and disadvantages, see *supra* Part II.

⁵⁴ See *Parent Trigger Laws in the States*, *supra* note 3. For example, Indiana requires school board approval of the parents’ chosen conversion plan. *Id.* Similarly, California’s law provides that if the local board finds that the parents’ option cannot be implemented, it must make an alternative recommendation from the other available options to parents and submit that proposal to the state. *Id.* Upon making this alternate recommendation contrary to the parents’ plan, the board must verify to the State Superintendent that the intervention option it has chosen has a “substantial promise of enabling the school to make adequate yearly progress . . .” *Id.* If the parents choose conversion of the school into a charter as their option, the school district must follow the “standard review process” in reviewing the charter management organization, or the charter school company, selected by parents. *Id.* In Texas, if the school board disagrees with the action chosen by the parents, the board can recommend a different action to the

many of these plans call for the conversion of public schools into charters and thus would require the dissolution of the existing local school boards, putting the same group of people in charge of approving the very plan that would eliminate them seems somewhat backwards. This may be the reason why in many states, the Parent Trigger laws have allowed for a dramatic shift in traditional power: once parents step in and demand change, the local school board loses all power to approve, deny, or be a part of the parents' proposed transformation. Instead, the final say rests with administrators at the state level.⁵⁵

Regardless of the inevitable power struggles that come with having school board officials vote on parent petitions that may well eliminate them, some states' laws actually give the local school board complete power to approve the changes proposed by parents, with no input from the state.⁵⁶ Some states take a middle-ground approach in terms of who has the power to ratify parent proposals, allowing the local school board to recommend an alternative course of action to the State, but leaving the final say in the State's hands.⁵⁷

Education Commissioner of the State, who must then choose between the school board's option or the parent's choice. *Id.* In Ohio, if the school board can prove the reform cannot be implemented, they can appeal to the State but then must choose a different reform. *Parent Trigger Laws in the States, supra note 3*

⁵⁵ *Id.* Local school boards in Connecticut, Louisiana, and Mississippi must implement the state's final decision, without any input or authority to change the terms of the petitions. *Id.*

⁵⁶ *Id.* For example, in Indiana, the local school board, not the State, has the power to approve the parent petition. Further, in California the school board can choose an alternative intervention if it finds that the parents' choice is incapable of being successfully implemented, and the power of the State to intervene is not specified. *Id.*

⁵⁷ *Id.* The local boards in Columbus, Ohio, may appeal to the Ohio Department of Education if they can prove the reform cannot be implemented. In Texas, school boards may submit a recommendation to the State's Education Commissioner if they find an action more appropriate than that petitioned by parents. *Parent Trigger Laws in the States, supra note 3.* The state can either choose to accept the district's request, or accept the parents' petition. *Id.*

D. OTHER FEATURES OF THE LAWS

The Parent Trigger laws implemented in the seven states contain a number of other interesting and distinctive provisions. For example, California has chosen to limit the number of its schools that may be subject to this new law: a maximum of seventy-five California schools may be subject to a parent trigger.⁵⁸ Under the California law, parents are also required to disclose any financial or organizing support they received from outside groups; perhaps as a way to increase transparency of the process and reveal any corporate influence that the parents may have received.⁵⁹ California also prohibits parents from being paid by charter school proponents and requires disclosure to the state if any parent collecting a signature is being paid in any way.⁶⁰

The Louisiana Parent Trigger contains a provision that no school district resources may be used to oppose or support parents' petition campaigns.⁶¹ In Mississippi, a petition of signatures requesting a certain action is not enough; a detailed conversion plan must accompany the parents' petition.⁶² Ohio's Columbus Pilot Program requires annual review by the state department, and any recommendation for expansion or continuance of the program must be submitted to the legislature.⁶³

A number of other states have considered passing parent triggers, often referred to formally as "Parent Empowerment" laws. For example, as recently as January 2013, Georgia hopped on the trigger bandwagon when bipartisan members of the Georgia House proposed Georgia House Bill 123, "The Parent and Teacher Empowerment Act."⁶⁴ The law in Georgia is comparable to the existing laws, but allows a few interesting and yet unseen

⁵⁸ S.B. 4, 2010 Leg., Reg. Sess. (Cal. 2010).

⁵⁹ See *Parent Trigger Laws in the States*, *supra* note 3.

⁶⁰ *Id.*

⁶¹ H.B. 976, 2012 Leg., Reg. Sess. (La. 2012).

⁶² S.B. 2293, 2010 Leg., Reg. Sess. (Miss. 2010).

⁶³ H.B. 153, 129th Gen. Assemb., Reg. Sess. (Ohio 2010).

⁶⁴ H.B. 123, 2013 Leg., Reg. Sess. (Ga. 2013).

provisions. For one, parents may choose to simply relocate their children to other public schools in the school system, assuming there are other public schools that exist in the district.⁶⁵ Another first for the Georgia Parent Trigger bill is that teachers and faculty, not just parents, have the power to pull the trigger and propose changes to the school.⁶⁶ On March 5, 2013, the Parent Trigger bill was passed by the Georgia House.⁶⁷ The bill is currently being considered by the Senate.⁶⁸

IV. PULLING THE TRIGGERS: APPLICATION OF THE LAWS

California, the first to pioneer the passage of a Parent Trigger law, has also been the first and only test ground for its application. No other state with a Parent Trigger on its books has seen the law be put to use.⁶⁹ To date, there have been a total of five Parent Trigger movements in California, all with mixed results. Although the early attempts at pulling the trigger have been muddled with controversy and resistance, it appears by the success that the power of the laws is slowly being harnessed.

⁶⁵ Maureen Downey, *Do Parent Trigger Laws Fire Blanks? Is it Parents Who Really Take Over Schools or Management Companies?*, ATLANTA J.-CONST. (Jan. 31, 2013), http://blogs.ajc.com/get-schooled-blog/2013/01/31/do-parent-trigger-laws-fire-blanks-is-it-parents-who-really-take-over-schools-or-management-companies/?cxntfid=blogs_get_schooled_blog. See Ga. H.B. 123 (providing that the petition may permit parents, “to have the option to relocate their student to other public schools in the local school system to be chosen by the parents of the student from a list of available options provided by the local school system, if another such school exists”).

⁶⁶ Ga. H.B. 123. The bill provides that a petition may be signed by a “majority of the faculty and instructional staff members of the local school or, for a high school cluster, a majority of the faculty and instructional staff members of each school within the high school cluster . . .” *Id.*

⁶⁷ 2013-2014 Regular Session – HB 123 Parent and Teacher Empowerment Act, LEGIS.GA.GOV, <http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/123> (last visited June 6, 2014).

⁶⁸ *Id.*

⁶⁹ Lindstrom, *With ‘Parent Trigger’ Laws, supra* note 12. As of July 2013, no other state has seen parents attempt to petition under the parent trigger. *Id.*

In the first case, in December 2010, the nation watched closely as parents in inner city Compton demanded that their children's failing school, McKinley Elementary, be transformed into a charter.⁷⁰ The campaign was tainted with allegations of improper behavior on both sides of the lines, and culminated in defeat with a court finding that all parents' signatures in the petition were invalid.

At Desert Trails Elementary School in Adelanto, California, the battle to apply the Parent Trigger was more successful, resulting in conversion of the once public elementary school into a privately managed charter school.⁷¹

The third trigger application is currently playing out before the nation's eyes at 24th Street Elementary.⁷²

A. COMPTON UNIFIED SCHOOL DISTRICT: MISFIRE ON THE FIRST SHOT AT MCKINLEY ELEMENTARY

California's shiny new Parent Trigger fired its first test shot in 2010 and was put to the test at McKinley Elementary School.⁷³ McKinley, a K-5 public elementary school located in inner-city Compton comprised almost fully of African-American and Latino students, was one of California's worst schools.⁷⁴ Part of the Compton Unified School District (CUSD), a district identified as in need of improvement by the state of California,⁷⁵ McKinley fell

⁷⁰ See *infra* Part IV.A.

⁷¹ See *infra* Part IV.C.

⁷² *Id.*

⁷³ See WE THE PARENTS (Go For Broke Pictures 2013). "We the Parents," a documentary directed by James Takata and released on August 16, 2013, documented the Compton parents' efforts to pull the trigger at McKinley Elementary. *Id.*

⁷⁴ See Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 27, 32.

⁷⁵ *Id.* at ¶ 29. The Compton Unified School District encompasses thirty-five schools ranging from elementary to high school to adult vocational schools. *Id.* at ¶ 3. It was identified as a "Year 3 Program Improvement" district by the California Department of Education, indicating it had failed to meet student academic achievement growth standards. *Id.* at ¶ 29. This label required the district to

within the lowest ten percent of all California schools in terms of student performance in 2010.⁷⁶ When compared to similar schools in California, Compton was given a score of one out of ten, meaning it was among the worst inner-city and minority schools in the state.⁷⁷

With the Parent Trigger law passed only months beforehand in the California legislature, no time was wasted to test its power. On December 7, 2010, McKinley parents officially pulled the Parent Trigger for the first time in the nation's history, demanding in a petition that McKinley be converted into a charter school.⁷⁸ While what happened next demonstrated just how new and unknown the Parent Trigger process was for both sides; both parents and the school district struggled to navigate the un-chartered legal and bureaucratic process of the Parent Trigger law. But what happened *before* that groundbreaking day in December is where the heart of the Parent Trigger dilemma lies.

There is no doubt that the parents behind the McKinley movement were eager for their children to do better at McKinley; no one could argue with the seriousness of the school's low performance, or the statistic that only three percent of students in Compton were likely to make it to college.⁷⁹ But the controversy behind the McKinley movement had little to do with the sincerity of parents, and more to do with Parent Revolution, which, before even contacting any parents in Compton, had pre-selected

undergo partnering with a District Assistance Intervention Team (DAIT). *Id.* The DAIT provider at Compton was Achievement Equity LLC, a team which reviewed the District over a two year period, culminating in a very negative reviews of the District's ability to serve students' needs, reporting that the District instead focused "on the adult issues [as priority] before the student needs." *Id.* at ¶ 30.

⁷⁶ Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 27.

⁷⁷ See Patrick Range McDonald, *California's Parent Trigger: How McKinley in Compton Became the First School Taken Over by Parents Under a Radical New Law*, LA WEEKLY NEWS, Dec. 9, 2010, <http://www.laweekly.com/2010-12-09/news/Californias-Parent-Trigger/>.

⁷⁸ Webley, *supra* note 9.

⁷⁹ WE THE PARENTS, *supra* note 73.

McKinley as the test ground for their newly lobbied law.⁸⁰ Rather than contacting McKinley parents for their input before initiating the movement that would ultimately put the parents at the forefront of the battle, Parent Revolution actually wrote the parents' petition for them without their input.⁸¹ The petition draft called for McKinley to become a charter school under the Celerity Education Group, a high-performing charter network selected by Parent Revolution.⁸² In October 2010, representatives from Parent Revolution were deployed into the Compton community to canvass door-to-door through the neighborhoods, to speak with parents about the problems at McKinley and gain support for change.⁸³ What these conversations entailed became a source of controversy as the movement gained traction,⁸⁴ as allegations swirled that representatives were not upfront about the petition's ultimate goal of transforming McKinley into a charter, an option that had been decided even before rallying the parents' support.⁸⁵ Carla Garcia, a parent of two McKinley students and an opponent of the movement, explained that the group knocked on her door saying they "wanted to make changes to improve and beautify

⁸⁰ Simone Wilson, *Parent Trigger's Second Try*, LA WEEKLY NEWS, Jan. 12, 2012, <http://www.laweekly.com/2012-01-12/news/parent-trigger-adelantocalifornia/> [hereinafter Wilson, *Parent*].

⁸¹ See Bacon, *supra* note 9. Parent Revolution had written the McKinley parents' petition even before contacting the parents. *Id.*

⁸² Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 42. Parent Revolution's plan for a charter school was described in the lawsuit as a "recommendation." *Id.* at ¶ 38. Parent Revolution gave "extensive training to staff and volunteers and expended substantial resources to ensure that parents were provided ample information and opportunity to make an informed decision. They informed parents about the parent trigger law and the available options under that law . . . [o]nce the parents understood the law, the staffer would explain the charter recommendation outlined in the petition." *Id.*

⁸³ Wilson, *Compton's*, *supra* note 13; BEN BOYCHUK, HEARTLAND INST., POLICY BRIEF: THE 'PARENT TRIGGER' IN CALIFORNIA: SOME LESSONS FROM THE EXPERIENCE SO FAR 1414 (Oct. 2011), available at [http://heartland.org/sites/default/files/\(10-18-11\)%20California%20Parent%20Trigger.pdf](http://heartland.org/sites/default/files/(10-18-11)%20California%20Parent%20Trigger.pdf).

⁸⁴ Wilson, *Compton's*, *supra* note 13.

⁸⁵ Bacon, *supra* note 9.

McKinley.”⁸⁶ Garcia remembers filling out a part of the form that asked for parent concerns, but was not sure about the small print at the top of the page, that indicated it would “*transform McKinley Elementary School under the RESTART MODEL, to be reopened under Celerity Educational Group, a Charter Management Organization (CMO)*.”⁸⁷ Adding to the growing conflict, rumors that Parent Revolution spokespeople were holding private, small group meetings with parents instead of town-hall style open discussions, left some parents to feel they were boxed out of the process.⁸⁸

Ultimately fifteen McKinley parents joined forces with Parent Revolution leaders, and together lead the effort of collecting 261 signatures from parents of McKinley’s 442 students.⁸⁹ Upon signing the petition, parents apparently signed and printed their name, and wrote the student’s name, school, and grade.⁹⁰ With this support, roughly sixty-one percent of all McKinley parents, the group made the step towards reform on December 7, 2010, when they marched on to deliver the signed petition to CUSD’s Superintendent Karen Frison.⁹¹

The campaign was met with resistance and controversy as soon as the petition was filed. Compton PTA president Cynthia Martinez claimed that Parent Revolution had disseminated misinformation to induce parents into signing the petition, claiming parents were misled into believing the petition was only for beautification and improvement of McKinley as it existed.⁹² Parents also made allegations against McKinley school officials, claiming that board members and teachers threatened parents with the possibility of having their kids turned away from the school if and when it was

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 39.

⁸⁹ Wilson, *Compton’s*, *supra* note 13.

⁹⁰ Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 11.

⁹¹ Webley, *supra* note 9.

⁹² Wilson, *Compton’s*, *supra* note 13.

transformed into a charter.⁹³ Some parents even claimed school board officials threatened them with deportation if they continued pushing for McKinley's reform.⁹⁴ As a result of the allegations against Compton school district officials, Governor Arnold Schwarzenegger deemed the school district's actions "intimidation" tactics, and called for an investigation.⁹⁵ State Senator Gloria Romero, who passed the law, instead took the side of Parent Revolution, blaming the media for disseminating misinformation, and accusing the district of interfering with reform efforts based on economic interest "in the body count of kids."⁹⁶ Meanwhile, the McKinley PTA led a peripheral attack on Celerity, challenging Celerity's data that compared McKinley's performance with the much more successful academic record of Celerity three other Los Angeles charters.⁹⁷

On January 19, 2011, an official from Compton Unified sent letters to parents on the petition, stating they would need to come to McKinley in person with photo identification in order to verify their signatures.^{98,99} Some opposed this requirement, suggesting that it would make undocumented parents nervous about having

⁹³ See Wilson, *Compton's*, *supra* note 13. Evidence printed out from a website quoted a teacher writing to a parent, "Ms. Hernandez, you will regret having supported Celerity when your child is rejected by them." *Id.* The prospect of turning a student away from the school if it transformed into a charter was incorrect, since the Parent Trigger law in California requires all students in the admission area to be accepted should the school become a charter. *Id.*; see also Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 50-52.

⁹⁴ Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 52.

⁹⁵ Howard Blume, *Schwarzenegger Seeks Probe of Alleged Intimidation over 'Parent Trigger' in Compton*, L.A. NOW (Dec. 16, 2010 1:36 PM) <http://latimesblogs.latimes.com/lanow/2010/12/schwarzenegger-calls-for-investigation-of-alleged-intimidation-over-parent-trigger-in-compton.html?cid=6a00d8341c630a53ef0147e0c61195970b>.

⁹⁶ Wilson, *Compton's*, *supra* note 13.

⁹⁷ *Id.* Celerity's three charters are rated nine or ten out of ten. *Id.*

⁹⁸ Bacon, *supra* note 9.

⁹⁹ Teresa Watanabe, *Compton Parents Win a Round in Bid for Charter School*, L.A. TIMES, Feb. 4, 2011, <http://articles.latimes.com/2011/feb/04/local/la-me-0204-compton-20110204> [hereinafter Watanabe, *Compton*].

their immigration status questioned.¹⁰⁰ School officials responded that the verification and identification are often used for school business, and parents without photo ID could use other forms of identification such as library cards.¹⁰¹ At the direction of Parent Revolution, McKinley parents boycotted the district's attempt to block their progress, and filed a class action¹⁰² on February 3, 2011, against CUSD,¹⁰³ alleging that the district's "unduly burdensome and harassing verification process" was not authorized under the parent trigger law or regulations, and the district violated the students' constitutional rights to free speech and equal protection.¹⁰⁴ The lawsuit also included a count alleging the CUSD's actions violated the parent trigger law itself.¹⁰⁵ Parents condoned CUSD's verification process, claiming that parents'

¹⁰⁰ Bacon, *supra* note 9.

¹⁰¹ Watanabe, *Compton*, *supra* note 99. Alex Flores, assistant superintendent of human resources at Compton Unified, said identification was required so that officials could ensure the parent and the petition signer were the same person. *Id.*

¹⁰² The class was comprised of "children at McKinley Elementary School whose parents signed the Parent Trigger petition," as well as parents. *See* Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶ 21.

¹⁰³ The complaint also named Karen Frison, Compton Unified School District Superintendent, as a defendant. *Id.* at ¶ 19.

¹⁰⁴ *See id.* at ¶ 12. The lawsuit also alleged that McKinley students had been denied their constitutional right to an equitable education. Kristina Rigza, 'Parent-Trigger' Proponents Sue Compton's School District, MOTHER JONES (Feb. 3, 2011, 11:12 AM), <http://www.motherjones.com/riff/2011/02/parent-trigger-compton-school-district>. Lawyers from the law firm Kirkland & Ellis represented the parents on a pro-bono basis. Simone Wilson, *At Last: 'Parent Trigger' Troop Files Lawsuit Against Compton Unified School District*, L.A. WEEKLY BLOGS (Feb. 3, 2011, 1:20 PM), <http://www.laweekly.com/informer/2011/02/03/at-last-parent-trigger-troop-files-lawsuit-against-compton-unified-school-district> [hereinafter Wilson, *At Last*]. The complaint also accused the district of "consistently exhibit[ing] bad faith in their dealings with the Plaintiffs" and that the district "refused to respond to emails, letters, and phone calls by the parent and failed to provide basic information about the verification procedure to parents until less than a week before they implemented a verification procedure." Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶¶ 72-73.

¹⁰⁵ Complaint for Injunctive and Declaratory Relief, *supra* note 2, at ¶¶ 90-93. The complaint alleged that the verification process had no basis in the parent trigger law or related regulations. *Id.* at ¶ 60.

signatures were on file with the school and could be easily compared against the petition signatures.¹⁰⁶ The same day the complaint was filed, Judge O'Brien issued a temporary restraining order preventing CUSD from carrying out the signature verification process.¹⁰⁷ However, CUSD formally rejected the parent petition on a number of grounds on February 22, 2011, finding that among various other deficiencies (including lack of description of "restart model," lack of proper headings, and lack of proper review), the petition was not dated.¹⁰⁸

CUSD challenged the restraining order, and a hearing was held on March 21 and 22, 2011 before Los Angeles County Superior Court Judge Anthony Mohr.¹⁰⁹ On March 23, 2011, Judge Mohr issued a preliminary injunction against CUSD, finding that the signature verification procedure requiring parents to appear in person with photo ID violated the parents "right to petition under the First Amendment of the U.S. Constitution and Article I, Section 2, of the California Constitution." The injunction re-ordered the District to stop their attempts at the in-person validation process.¹¹⁰ Judge Mohr further ordered CUSD to review and verify the signatures (without requiring any further parental action) by April 1, 2011, and to provide the results of the verification process by the same date.

CUSD responded by issuing a report on March 31, 2011, that not one single signature of the 221 could be verified.¹¹¹ On May 18,

¹⁰⁶ Watanabe, *Compton*, *supra* note 99.

¹⁰⁷ *Id.*

¹⁰⁸ See COMPTON UNIFIED SCH. DIST., BOARD FINDINGS AND ACTION REGARDING SIGNATURE VERIFICATION FOR DECEMBER 7, 2010 PETITION SUBMITTED BY PARENT REVOLUTION (MCKINLEY ELEMENTARY SCHOOL) 4, 6 (2011), *available at* <http://scholasticadministrator.typepad.com/files/board-findings-action-s-re-petition-submitted-by-parent-revolution.0222.11.pdf>.

¹⁰⁹ See *Murphy, v. Compton Unified Sch. Dist.*, No. BC454226, 2011 WL 3791644 (Cal. Super. Ct. Mar. 23, 2011).

¹¹⁰ *Id.*

¹¹¹ In listings its reasons for denying the entire petition on the grounds of

2011, Judge Mohr issued a ruling that surprised many, upholding the school district's rejection and declaring the petition invalid based on a California law requiring the petition to have dates.¹¹² Judge Mohr, who had been expected to continue on the side of parents, wrote that he was "aware of the pain, frustration and perhaps educational disadvantages this ruling may cause," but that he was compelled under California law to reject the petition without dates accompanying parents' signatures.¹¹³ With this rejection of the petition, the nation's first test case for Parent Trigger laws ended on what many consider a technicality.

Ultimately, Celerity Education Group, the charter operator that had been scheduled to take over McKinley, opened an elementary school in the community under a separate¹¹⁴ California law.¹¹⁵ Parent Revolution had planned for the possibility of the rejection, and filed the charter application as a Plan B. They ultimately regarded the charter opening as a victory.¹¹⁶

improper signatures, the Compton school district claimed that:

"Some signature pages were signed on behalf of more than one student purportedly attending McKinley"; some signatures were submitted on behalf of students who were "inactive" or "not listed on McKinley's school roster as of December 7, 2010"; several signatures were duplicates; some signatures were signed by step-parents "for whom there was no comparator document with which to compare the signature of the purported signator"; and "signatures were also received on signature pages written in English on behalf of . . . students whose student files contain only Spanish documents and who have on file with the District a request for school-related documents to be provided in Spanish."

Boychuk, *supra* note 78, at 7.

¹¹² John Fensterwald, *Judge to Throw Out Trigger Petitions*, SILICON VALLEY EDUC. FOUND., (May 24, 2011), <http://toped.svefoundation.org/2011/05/24/judge-to-throw-out-trigger-petitions/>.

¹¹³ *Id.*

¹¹⁴ Charter Schools Act of 1992, CAL. EDUC. CODE § 47600 (West 2014).

¹¹⁵ Bacon, *supra* note 9.

¹¹⁶ *Id.*

B. LESSONS LEARNED FROM THE MCKINLEY CAMPAIGN

Though some argue the outcome of McKinley was a discouraging loss on a technicality, Parent Revolution group admits there were failures on its end as well, including the fact that parents at McKinley were not technically given a say in the school's outcome from the beginning. The organization admitted: “[f]or starters, we came to the parents with a pre-packaged solution already available - charter conversion with a very high-quality school operator – rather than helping them devise their own solution from the ground up.”¹¹⁷ Ben Austin admitted that Parent Revolution had helped “incentivize a revolt” in Compton.¹¹⁸

Also learned from the McKinley movement was that the discussion is not black and white; neither charters nor public schools could fairly be deemed the “bad guys,” in the fight, as both the district and Parent Revolution were criticized for not being transparent about the parent petition process. Also left open after McKinley is the idea of charter schools. The McKinley movement also left the debate about charter schools wide open: while many parents maintain their support for charter schools in the community, they do not want public schools closed at their expense.¹¹⁹ Parents would rather see charters rise from the ground up, rather than come in as replacements for existing schools.¹²⁰ Additionally, while opponents of Parent Trigger, such as the California Teachers Association and California State PTA, condoned the secrecy of the signature-gathering process, the opponents’ solution that parent-leaders notify the district of their planned reform efforts before recruiting more parents seems backwards.

¹¹⁷ *McKinley Elementary, PARENT REVOLUTION*, <http://parentsunion.org/content/mckinley-elementary> (last visited June 6, 2014). Parent Revolution admits that “the vast majority of the signatures gathered were ultimately gathered by our organizers, not by the parents themselves.” *Id.* However, the organization claims to be “committed to being open and transparent about our shortcomings, and to learning from them.” *Id.*

¹¹⁸ *WE THE PARENTS*, *supra* note 73.

¹¹⁹ Bacon, *supra* note 9.

¹²⁰ *Id.*

C. ROUND TWO: SUCCESS (?) AT DESERT TRAILS ELEMENTARY IN ADELANTO, CALIFORNIA

With one unsuccessful but headline-making campaign on the books, California's Parent Trigger law was pulled again in January 2012, as parents in Adelanto, California called for change at their children's failing elementary school. Just as in Compton, Desert Trails was a mostly minority-attended school and ranked among the state's poorest in terms of academic performance, with almost three quarters of students unable to read.¹²¹ Despite the fact that the initial goal of the Desert Trails parent movement was to tap into the less-drastic option under the law to work with the school to make changes and replace teachers, somewhere along the line the movement took a sharp turn in the direction of a charter school. Ultimately, and against the wishes of many Desert Trails parents, the school was transformed into a charter in 2013. Like the Compton campaign, the process at Desert Trails sparked a flurry of controversy, disagreement, and community instability almost as soon it began.

The Desert Trails reform movement appears to have been more grassroots than Compton, with parents being the ones calling for change this time. In November 2011, a group of parents at Desert Trails decided they wanted to try using California's Parent Trigger to hire a new principal and gain the ability to remove ineffective

¹²¹ According to Parent Revolution, Desert Trails ranked in the bottom ten percent of California's schools. *Desert Trails Parents Union*, PARENT REVOLUTION, <http://parentrevolution.org/desert-trails> (June 6, 2014). Approximately seventy percent of students were not proficient in English and sixty-three percent were not proficient in Math. *Id.* For six years, Desert Trails has been on the federal watch list for failing schools and ranks in the bottom third of California schools for standardized test performance. Natasha Lindstrom, *First "Parent Trigger" Moves to a Critical Vote After Court Ruling*, HECHINGER REP., (Oct. 16, 2012), http://hechingerreport.org/content/parent-trigger-moves-to-a-crucial-vote-after-court-ruling_9939/ [hereinafter Lindstrom, *First "Parent Trigger"*]. California state tests indicate that seventy-five percent of students cannot read or write. Beau Yarbrough, *Parent Trigger Group Applies Lessons from Compton, Adelanto Efforts to L.A. School Takeover*, SAN BERNADINO COUNTY SUN SUN, Feb. 2, 2013, http://www.sbsun.com/news/ci_22513199/l-parent-group-applies-lessons-from-compton-adelanto.

teachers.¹²² The parents attempted to work directly with the Adelanto School District to implement changes, but their requests for changes such as school nurses, smaller classes, and counselors were denied by the school board.¹²³ Desert Trails parents contacted Parent Revolution for help with organizing and training.¹²⁴

Parent Revolution, perhaps more sensitive to the bad sentiment that had developed in response to the pre-determined decision and pre-drafted petition to turn McKinley in Compton into a charter, worked on Desert Trails with the new strategy of organizing parents into what they called a “parents union chapter” to lead the reform efforts.¹²⁵ According to Parent Revolution’s website, the Desert Trails parents “formed their own autonomous parents union chapter.”¹²⁶ However, this characterization does not seem entirely forthcoming, as “Parent Union chapters” are models of organizations created by Parents Union with guidelines and instructions proliferated by Parent Revolution on how to organize.¹²⁷ Whatever way the process occurred, a group of parents formed the “Desert Trails Parents Union,” (DTPU) led in part by parent Doreen Diaz, seeking to use the Parent Trigger law to hire a new principal and replace teachers.¹²⁸ The DTPU parents tried to avoid the same mistake made in Compton by urging

¹²² Teresa Watanabe, *Campaign for Adelanto Charter School Falls Short*, L.A. TIMES, Feb. 22, 2012, <http://articles.latimes.com/2012/feb/22/local/la-me-0222-parent-trigger-20120222> [hereinafter Watanabe, *Campaign*].

¹²³ The district claimed the demands were too expensive, as state funding cuts were eliminating those services at other California schools. *Id.*

¹²⁴ *Id.*

¹²⁵ Webley, *supra* note 9.

¹²⁶ *Desert Trails Parents Union*, *supra* note 121.

¹²⁷ See *Parent Unions*, PARENT REVOLUTION, <http://www.parentsunion.org/content/parent-unions> (last visited June 6, 2014) (explaining that “Parents Union chapters are the basis of the Parent Revolution organizing model,” and that parents union chapters votes and agrees to sign a “thin” agreement “affiliating themselves with Parent Revolution”).

¹²⁸ Wilson, *Parent*, *supra* note 80; see also Watanabe, *Campaign*, *supra* note 122.

reformers to appear independent from the Parent Revolution group.¹²⁹ According to some parent leaders, the DTPU “canvassed school families on their desired changes, held meetings to vote on objectives, then gathered petition signatures” from Desert Trails parents.¹³⁰ DTPU canvassers were instructed by leaders to identify themselves as members of the DTPU, not Parent Revolution.¹³¹

But exactly what kind of reform were the parents vying for as they made their visits to homes of other Desert Trails parents? Troublingly, the answer to this question seemed to change halfway through the campaign. In early 2012, the type of reform parents were seeking under the parent trigger law was the non-radical option of working together with the Adelanto Elementary School District to collaborate on making improvements to the school’s curriculum and teachers.¹³² Parent Revolution had met with parents and explained methods of improving academic success, and parents wanted a college-prep type model of education to be implemented at Desert Trails.¹³³ If the District denied the request to work with parents, then the second option was a parent-run takeover of the district board where parents could hire and fire teachers and administrators as they saw fit (another option permitted under the California Parent Trigger law).¹³⁴ Never did the parents express interest in having the school become a charter, and actually tried to distance themselves from that option.¹³⁵ So, why, on January 12, 2012, did the DTPU submit a petition to the Adelanto School District demanding transformation into a charter,

¹²⁹ Wilson, *Parent*, *supra* note 80.

¹³⁰ Teresa Watanabe, ‘Parent Trigger’ Campaign Divides Families at Troubled Adelanto Elementary School, L.A. TIMES, Feb 19, 2012, <http://articles.latimes.com/2012/feb/19/local/la-me-parent-trigger-20120220> [hereinafter Watanabe, ‘Parent Trigger’].

¹³¹ Wilson, *Parent*, *supra* note 80.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.* Early news coverage of the movement reports that parents leading the movement “don’t even want” a charter school. *Id.*

an option that seventy percent of parents allegedly supported with signatures?¹³⁶

As with the Compton campaign, the answer has much to do with the confusion during the signature-gathering petition process. Instead of presenting parents with one petition where a signature would signify support for the plan to work with district officials, parents leading the charge went door to door with *two separate* petitions: one demanding reform within the district and the other offering a more dramatic proposal of turning the school into a charter.¹³⁷ Leaders of the DTPU maintained that the two petitions were a tactical move and that the charter provision was only being submitted to the district “as leverage to press the school district into certain reforms.”¹³⁸

Concerns were expressed as to whether the two-petition strategy was a “bait-and-switch” tactic.¹³⁹ Leaders of the movement claimed that other parents were fully informed about the strategy and were not misled or harassed into signing the charter petition, but other parents felt they were tricked into signing for a charter school conversion they did not support, and demanded that their signatures be removed.¹⁴⁰ Shortly after the petition was submitted in January, this group of rescinding parents broke away from the DTPU movement and launched a counter-attack urging other parents to rescind their support.¹⁴¹ They argued that before making plans for a drastic charter conversion, Desert Trail’s new principal David Mobley, who had a “track record” of turning around low-performing schools, should be given a chance to improve the school.¹⁴² The counter strike was

¹³⁶ Watanabe, ‘Parent Trigger’, *supra* note 130.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Carlos Mendoza, school board president, commented on the two petitions, stating that “[t]hat really sounds like bait and switch . . . [i]t’s not clear what is the will of the parents.” Watanabe, *Campaign*, *supra* note 122.

¹⁴⁰ Watanabe, ‘Parent Trigger’, *supra* note 130.

¹⁴¹ *Id.*

¹⁴² *Id.*

persuasive as approximately ninety-seven parents retracted their signatures.¹⁴³ Parents had officially turned against each other and the community was divided in conflict, which eventually spilled over to the students as former friends turned against each other as the battle between their parents waged on.¹⁴⁴

On February 21, 2012, the school board unanimously voted to reject the parents' petition, claiming it was without enough valid signatures in light of all of the parents whose names had been rescinded.¹⁴⁵ The district then gave the parents another few months to collect enough valid signatures for the second time; a feat which was achieved within a few weeks.¹⁴⁶ Upon receiving the second petition, the district claimed that it would not accept any signatures of parents whose children had left the school since the original January petition.¹⁴⁷ It also refused to validate certain signatures of parents whose emergency cards were not on file with the school, as the cards were a way of validating parental signatures.¹⁴⁸ Just as the failure of the McKinley campaign had boiled down to the technicality of missing dates accompanying signatures, these seemingly arbitrary verification requests put the entire Adelanto movement in jeopardy.¹⁴⁹ A scandal then broke

¹⁴³ Watanabe, *Campaign*, *supra* note 122. See also Lindstrom, *First "Parent Trigger"*, *supra* note 121. The DTPU blamed the California Teachers' Association (a union organization) for pressuring Desert Trails parents to retract their signatures in an attempt to sabotage the reform movement. Watanabe, *'Parent Trigger'*, *supra* note 130. The union denied any involvement in the parents' rescission efforts. *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Watanabe, *Campaign*, *supra* note 122.

¹⁴⁶ Editorial, *Another 'Parent Trigger' Mess*, L.A. TIMES, Mar. 20, 2013, <http://articles.latimes.com/2012/mar/20/opinion/la-ed-trigger-school-reform-adelanto-20120320>.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

alleging that anti-trigger groups had falsified some of the rescission documents.¹⁵⁰

Fed up with the board's twice-rejection of their petition, Desert Trails parents filed a lawsuit on April 5, 2012, claiming that the board was violating their constitutional rights to free speech and equal protection by rejecting their petition twice within two months.¹⁵¹ On July 20, 2012, a decision on the validity of the petitions was handed down by Judge Steve Malone of San Bernardino County Superior Court.¹⁵² Judge Malone found that parents could not rescind their signatures on the petitions, and the school board had abused its discretion in allow parents to rescind.¹⁵³ In a victory for the DTPU, Judge Malone ordered the school board to accept the petition for a charter school within thirty days and to begin the search for a charter operator.¹⁵⁴ School Board president Carlos Mendoza maintained that the petition was based on a misleading and confusing message for an outcome—a charter school—that parents did not want.¹⁵⁵

¹⁵⁰ *Id.* According to Parent Revolution, evidence had come forth “claiming that ‘teachers unions and their allies’ may have falsified ‘rescission’ documents that led to the apparent lack of majority support.” *Parent Trigger: Desert Trails Chose Laverne Elementary Prep*, PARENT REVOLUTION (Oct. 18, 2012), <http://www.parentsunion.org/parent-trigger-desert-trails-chose-laverne-elementary-prep>.

¹⁵¹ Teresa Wantanabe, *Adelanto Parents File Lawsuit in Parent Trigger Controversy*, L.A. TIMES (Apr. 5, 2012, 5:57 PM), <http://latimesblogs.latimes.com/lanow/2012/04/adelanto-parent-trigger-lawsuit.html>. These claims were among the same counts as in the McKinley complaint against CUSD [hereinafter Wantanabe, *Adelanto Parents*]. See generally Part IV.A.

¹⁵² *Parent Trigger: Desert Trails Chose Laverne Elementary Prep*, *supra* note 150.

¹⁵³ Judge Malone found that rescission was invalid under the California law. Christina Hoag, *Adelanto Schools Parent Trigger Law in Effect, District Improperly Rejected Petition, Judge Rules*, HUFFINGTON POST (July 23, 2012, 4:15 PM), http://www.huffingtonpost.com/2012/07/23/judge-socal-district-impr_n_1695571.html.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* As stated by Mendoza, “I am not concerned about converting Desert

A few weeks later in August 2012, the Board formally accepted the petition, yet rejected the charter school option that had been the source of two-petition controversy. Justifying its refusal to immediately convert to a charter school, the school board asserted that there was insufficient time to start a charter before the start of the 2012 school year, and maintained that under California's law, the school board has the final say on which changes will be accepted.¹⁵⁶ In their first cooperative move since the start of reform back in 2011, the district created an "alternative governance council" with parents as leaders, and funded a new literacy program at Desert Trails.¹⁵⁷

The parents then sought relief from the courts for a second time, seeking enforcement of Judge Malone's earlier July ruling ordering the board to convert into a charter. On October 12, 2012, Judge John Vander Feer of the San Bernardino County Superior Court ruled that the board must comply with conversion of Desert Trails Elementary into a charter, effective fall of 2013.¹⁵⁸ This crucial victory for parents was immediately put into action, and parents gathered on October 18, 2012 to choose the charter school operator that would transform Desert Trails Elementary.¹⁵⁹ Parents who had not signed the petition back in January and who opposed the charter conversion were not allowed to vote in this process.¹⁶⁰ A total of fifty-three parents took part in the charter selection, and in a 50-3 vote, decided to hand over control of Desert Elementary School to LaVerne Preparatory Academy, a non-profit charter operator associated with the University of La

Trails into a charter school as long as the board has a say with community input on what that charter school will be. I do not believe the two petition strategy should be acceptable nor allowed to be used again anywhere." *Id.*

¹⁵⁶ Teresa Watanabe, *As School Starts, New Questions in Adelanto Charter Fight*, L.A. TIMES, Aug. 20, 2012, <http://articles.latimes.com/2012/aug/20/local/la-me-parent-trigger-20120820>.

¹⁵⁷ Lindstrom, *First "Parent Trigger"*, *supra* note 121.

¹⁵⁸ *Id.*

¹⁵⁹ *Parent Trigger: Desert Trails Chose Laverne Elementary Prep*, *supra* note 150.

¹⁶⁰ *Id.*

Verne.¹⁶¹ Other parents who had opposed the movement announced they would pull their children out of school before the charter took over in 2013.¹⁶² In school year 2013, La Verne opened its doors to many former Desert Trails students.¹⁶³ School Board President Carlos Mendoza, who maintained during the debate that he would support the charter-school conversion so long as the petition was proper, has been subsequently replaced by a member of the Desert Trails Parent Union.¹⁶⁴

D. THE CALIFORNIA TRIGGER LAW'S CLEANEST SHOT YET: 24TH STREET ELEMENTARY

As of January 2013, 24th Street Elementary of the Los Angeles Unified School District (LSUSD)¹⁶⁵ became the most recent target of California's parent trigger.¹⁶⁶ As with McKinley Elementary in

¹⁶¹ Lindstrom, *supra* note 23. Another charter school run by LaVerne scored a 911 on California's 1,000-point Academic Performance Index last year, compared to Desert Trails' score of a 699. *Id.*

¹⁶² *Id.*

¹⁶³ Natasha Lindstrom, *Board OKs Charter Takeover of California Public School After 'Parent Trigger'*, HECHINGERED (Jan. 9, 2013), http://hechingered.org/content/board-oks-charter-takeover-of-california-public-school-after-parent-trigger_6005/.

¹⁶⁴ Sean Cavanagh, *School Board in 'Parent Trigger' Fight Could Face Shakeup*, EDUC. WK. (Nov. 16, 2012; 12:26 PM), http://blogs.edweek.org/edweek/charterschoice/2012/11/school_board_in_parent_trigger_fight_could_face_shakeup.html. On school board election day in November 2012, Mendoza was replaced by Teresa Rogers, a trigger activist. *Id.*

¹⁶⁵ The LAUSD is the second largest school district in the entire United States. See Brandon Lowery, *Parent Trigger Law at LAUSD: 24th Street Elementary School the Target of New Parent Petition*, HUFFINGTON POST (Jan. 15, 2013, 10:27 PM), http://www.huffingtonpost.com/2013/01/16/parent-trigger-law-laUSD_n_2483715.htm.

¹⁶⁶ Michael Hingham, *California's Parent Trigger Law for School Transformation in Action*, IVN (Jan. 23, 2013),

Compton and Desert Trails in Adelanto, the parents at this failing school are being organized by the controversial Parent Revolution group.¹⁶⁷ However, this time, things seem different on the parents' side.

Undermining the assumption that Parent Revolution operates to push a pro-charter agenda, the new group of parent reformers actually *oppose* the conversion of the school into a charter. According to a press release by United Teachers Los Angeles, "We believe parents do not want a private charter corporation to take over 24th Street Elementary, which is exactly what is happening at Desert Trails Elementary School in Adelanto as a result of Parent Trigger."¹⁶⁸ This time, rather than oppose the group, the teachers' union group is taking the cooperative approach: "We wish to work with you. We wish to be a team," stated the president of United Teachers Los Angeles.¹⁶⁹ At 24th Street, 358 parents with kids in the school (68%) signed a petition demanding conversion to a charter school.¹⁷⁰ This option would require an entirely new teaching staff to be hired.

However, as recently as February 2013, it appears that the parents have had a change of heart, and are considering proposals

<http://ivn.us/2013/01/23/californias-parent-trigger-law-in-action/>.

¹⁶⁷ *24th Street Elementary School Parents Union Moves Quickly to Get Proposals to Transform School*, PARENT REVOLUTION (Jan. 18, 2013), <http://parentrevolution.org/newsroll/2013/10/24/24th-street-elementary-school-parents-union-moves-quickly-to-get-proposals-to-transform-school> [hereinafter *24th Street Elementary*].

¹⁶⁸ Press Release, United Teachers Los Angeles, UTLA: We Are Here to Help 24th Street Elementary School (Jan. 17, 2013), *available at* <http://www.utla.net/node/3950>.

¹⁶⁹ Teresa Watanabe, *Parents Demand Charter in LAUSD's First Parent Trigger Campaign*, L.A. NOW (Jan. 17, 2013, 5:26 PM), <http://latimesblogs.latimes.com/lanow/2013/01/parents-demand-charter-in-first-parent-trigger-campaign-in-laUSD.html>.

¹⁷⁰ *Id.* Parents have been trying to change conditions at 24th Street for at least the past four years, according David Phelps, a spokesman for Parent Revolution. Brandon Lowrey, *Parents Seek to Take Control of Failing Los Angeles School*, CHICAGO TRIBUNE, Jan. 15, 2013, http://articles.chicagotribune.com/2013-01-15/news/sns-rt-us-usa-education-triggerbre9of07m-20130115_1_parent-revolution-desert-trails-elementary-school-los-angeles-school.

from charter school operators, this time though, all of the charter school operators are non-profits.¹⁷¹ Perhaps an even more dramatic twist in the story has come from the Los Angeles Unified School District school board itself: the LAUSD has submitted, along with the charter operators, its own proposal to turn around the school, including requiring all of its own staff to reapply.¹⁷²

The movement is also facing criticism from other teachers groups, such as the California Federation of Teachers, who claim that “parents and teachers and administrators need to be working together,” rather than against each other.¹⁷³

V. MAJOR PROBLEMS WITH THE LAWS

Although many believe that this grassroots approach to school reform will be effective, others are not so convinced. Criticism and concerns that these laws are actually harming the American education system have been echoing around that nation.

Politically, the existing laws seem to reflect a bipartisan, or at the very least, confused mentality.¹⁷⁴ Some of the laws are backed by prominent Republicans such as Mitt Romney;¹⁷⁵ others were introduced into the states by Democratic members of the houses. The pioneering California bill was supported by a Democrat but

¹⁷¹ *News Update: History-Making Response as 24th Street Elementary School Parent' Union Receive Four Proposals for School Operator*, PARENT REVOLUTION (Mar. 11, 2013), <http://parentrevolution.org/newsroll/2013/10/23/news-update-history-making-response-as-24th-street-elementary-school-parent-union-receive-four-proposals-for-school-operator>.

¹⁷² *Id.*

¹⁷³ Lowrey, *supra* note 170.

¹⁷⁴ Bush, *supra* note 5. In pushing for his state to adopt a Parent Trigger, former State Senator Bush explained that “[t]he [P]arent [T]rigger movement is an example of Democrats and Republicans working together to empower moms and dads with information and tools to engage and invest in their child's school.” *Id.*

¹⁷⁵ Casey Cheney, *Romney Supports Parent Trigger, Obama Says No Comment*, HEARTLANDER (June 20, 2012), <http://news.heartland.org/newspaper-article/2012/06/20/romney-supports-parent-trigger-obama-says-no-comment>.

was passed with support from both parties.¹⁷⁶ President Obama has not yet taken a position on the laws.¹⁷⁷

A. THE OUTSIDE-AGITATOR ARGUMENT: GRASSROOTS SUPPORT OR ASTROTURFING?

Some critics question whether those who call for reform are groups of motivated parents and community members, or instead are actually outside corporate parties whose main agendas include corporate profits and union-busting in favor of a free-market approach to education reform.¹⁷⁸ Parents at McKinley in California were portrayed by the media as “materializ[ing] from thin air” in their calls for change.¹⁷⁹ Yet a major driving force behind Compton, and every other movement to date, was the presence of Parent Revolution.¹⁸⁰ Because Green Dot and Parent Revolution have been instrumental in the application of the laws thus far, the groups have been accused of “astro-turfing”: portraying the parent movements as popular grassroots movements with voices stemming from parents in the community, when in reality, the campaigns are backed by large corporate sponsors.¹⁸¹ As Marty Hillerman, member of the California

¹⁷⁶ Gary Grado, ‘Parent Empowerment’ Bill has Roots in Democratic, Republican Circles, Arizona Capitol Times, Feb. 20, 2012, <http://azcapitoltimes.com/news/2012/02/20/parent-empowerment-bill-has-roots-in-democratic-republican-circles/>.

¹⁷⁷ *Id.*

¹⁷⁸ Parent Trigger Laws Ignite Controversy, not Parent-School-Community Collaboration, CAL. TEACHERS’ ASS’N, <https://www.cta.org/Issues-and-Action/Education-Reform/Parent-Trigger.aspx> (last visited June 8, 2014); see also Josh Eidelson, “Parent Trigger”: The Latest Tactic for Fighting Teachers’ Unions, SALON (June 30, 2012, 9:00 AM), http://www.salon.com/2012/06/30/parent_trigger_the_latest_tactic_for_fighting_teachers_unions/.

¹⁷⁹ See McDonald, *supra* note 77.

¹⁸⁰ In each of the three Parent Trigger applications, Parent Revolution organized and advised the parent groups. See *supra* Part IV.

¹⁸¹ Kristina Rizga, *The Battle over Charter Schools*, MOTHER JONES (Apr. 7, 2011, 6:00 AM), <http://www.motherjones.com/politics/2011/03/parent-trigger-compton-NCLB>.

Federation of Teachers, described the situation in Compton: Parent Revolution is “a vehicle for some very rich people to found an organization and go into communities and disrupt them.”¹⁸²

In both Desert Trails and McKinley, Parent Revolution was heavily involved in reform efforts.¹⁸³ So heavily involved, in fact, that McKinley Elementary would not have made national headlines without the outside intervention of the group. Parent Revolution carefully selected McKinley to be the test-drive model for application of the new law, and selected the charter school posited to replace it, before even speaking with members of the community.¹⁸⁴ When it sent its paid operatives into the community to collect signatures from McKinley parents, Parent Revolution was also accused of using tactics that had many parents sign petitions without knowing the full effect of its consequences.¹⁸⁵ Confusion and controversy erupted as a result of Parent Revolution’s tactics and the group has been criticized for its lack of transparency in the Parent Trigger process.

B. THE PROBLEM WITH CORPORATE INTERESTS

So what is wrong with support for these laws being generated from organizations like Parent Revolution, instead of being lobbied for by parents themselves?¹⁸⁶ Some may say that parent triggers are a way for business interests and politicians to advance their own purposes, while taking advantage of parents who desperately

¹⁸² WE THE PARENTS, *supra* note 73.

¹⁸³ See generally *supra* Part IV.

¹⁸⁴ PARENTS ACROSS AM., WHY WE OPPOSE CALIFORNIA’S PARENT TRIGGER LAW, 1, available at http://parentsacrossamerica.org/wp-content/uploads/2011/03/PAA_Parent_Trigger-position-final.pdf.

¹⁸⁵ See *supra* Part IV.A.

¹⁸⁶ Leslie Postal, *Parent Trigger Bill Sparks Fierce Debate as Vote Nears*, ORLANDO SENTINEL, March 7, 2012, http://articles.orlandosentinel.com/2012-03-07/features/os-parent-trigger-florida-2-20120307_1_school-boards-florida-pta-john-thrasher. Doubts about the law’s true goals are raised when corporate interests are the ones pushing for their passage: “When we see a group of highly paid lobbyists running all over Tallahassee pushing this bill, we have to ask who is going to profit from this?” says Kathleen Oropeza (member of Orlando, FL parent group “Fund Education Now”). *Id.*

want reform in schools, but do not possess the skills or resources to effect change on their own.

Many argue that the scenario that Parent Trigger laws create is essentially the following: a corporation sends its representatives into a community, sells an idea to parents who may not fully understand it, and through the parents, takes the students and their tax dollars from a public institution to a for-profit charter or management company.¹⁸⁷ This raises the concern that when a public school is handed over to a private organization, not only are taxpayers' dollars going towards privately-managed and for-profit charter school operators, but parents could actually *lose* influence over their child's education. According to UCLA urban schooling Professor John Rogers, "you get one shot" at the trigger, because once a public school is turned into a charter, parents "have fewer rights in the context of a charter than they would at a public school."¹⁸⁸

C. COMMUNITY PROBLEMS: INSTABILITY AND CONFLICT

The problem of pitting community members against each other is also very real. Some opponents of parent triggers believe that when a school is failing, often the school district, teachers, and parents are already in the midst of working together to solve the problems, and adding "parents fighting against parents" just frustrates the process.¹⁸⁹ Parents, whose involvement with their children's teachers has traditionally been a key factor in bringing success to student learning, become pitted against teachers when the teachers stand to lose their jobs if the school is replaced with a charter.¹⁹⁰ As demonstrated in both Compton and Adelanto, parents versus parents is a battle that can turn once peaceful communities into war zones, with both sides accusing the other of using deceit, intimidation, and even threats to achieve their goals. How will communities resolve their differences if the majority forces a charter upon the school against the will of other parents?

¹⁸⁷ *Id.*; see generally Part IV of this note (discussing the Adelanto reform).

¹⁸⁸ Bacon, *supra* note 9.

¹⁸⁹ Lindstrom, *With 'Parent Trigger' Laws*, *supra* note 12.

¹⁹⁰ *Id.*

Opponents of triggers also claim that local schools are viewed by many as important community centers, and having the lingering option of shutting them down may lead to instability and unpredictability in communities and in students themselves.¹⁹¹

D. ARE PARENTS REALLY QUALIFIED TO RUN SCHOOLS?

Moreover, the laws usually reserve the “trigger” for schools that are failing the most¹⁹²—but are these schools the ones whose parents are actually the least capable of effecting positive change? The argument that parents are inept to manage schools goes something like this: if parents were involved in their children’s education to begin with, the school wouldn’t be failing, and thus, there would be no need for a trigger; these parents therefore have already proved themselves to be inept at managing their child’s education.¹⁹³ While this argument somewhat oversimplifies the complexity and multitude of factors that surround the success of a school, research has indeed shown that a crucial factor in the success of students is parental involvement.¹⁹⁴ But we might be talking about the wrong *type* of involvement when we talk about

¹⁹¹ PARENTS ACROSS AM., *supra* note 184, at 2. Local public schools, according to Parents Across America, are often a key stabilizing force, especially in vulnerable communities. *Id.*

¹⁹² See Section III of this note (discussing the requirement that, in most states to pass Parent Triggers, all schools applicable to the law must be considered failing in some way, usually by state ranking in achievement tests).

¹⁹³ For a broader discussion of the effects of parental involvement on education, see Kathleen V. Hoover-Dempsey et al., *Parent Involvement: Contributions of Teacher Efficacy, School Socioeconomic Status, and Other School Characteristics*, 24 AM. EDUC. RES. J. 417 (1987).

¹⁹⁴ See generally William H. Jeynes, *Fam. Involvement Res. Dig.: Harv. Fam. Res. Project Parental Involvement and Student Achievement: A Meta-Analysis* (Dec. 2005), available at <http://www.hfrp.org/publications-resources/browse-our-publications/parental-involvement-and-student-achievement-a-meta-analysis>. This analysis combined data from a total of 77 separate studies, comprising over 300,000 children, including secondary and elementary students, to analyze if and how the involvement of parents affected the achievement of their children. *Id.*; see also Chuck Dervarics & Eileen O’Brien, *Back to School: How Parent Involvement Affects Student Achievement*, Center for Pub. Educ. (posted Aug. 30, 2001), <http://www.centerforpubliceducation.org/Main-Menu/Public-education/Parent-Involvement/Parent-Involvement.html>.

parents getting involved by taking over the school's structure and operation. Parental involvement at home, such as helping children with reading, and other amorphous facets of parenting (such as communicating and setting expectations) has been shown to have more impact on a child's success than other types of program-based parental involvement, such as participation in school functions.¹⁹⁵ This fact holds true even for minority communities.¹⁹⁶ Therefore, the involvement children need from their parents doesn't necessarily need to happen at the management or advisory level, and in fact, a greater impact could be achieved through less uprooting means.¹⁹⁷

Additionally, Parent Trigger laws have been applied to schools in low-income and non-English speaking communities, raising the issue that parents in these communities are already more vulnerable to outside forces such as lobbyists or other privately-funded groups like Parent Revolution.

E. LOST PROTECTIONS?

Public schools typically must educate every student who is eligible to enroll, whereas charters have the option to counsel students out whose needs they cannot meet.¹⁹⁸ Parents who enroll their children with disabilities in charters lose all protections guaranteed by federal law that public schools must comply with—what would happen to them? Would conversion actually be bad for the school, since state regulations, such as caps on class sizes, are good?

F. WHERE ARE THE TEACHERS?

Perhaps the most unheard voice in the Parent Trigger debate is the voice of our nation's teachers. At McKinley, teacher groups

¹⁹⁵ Dervarics & O'Brien, *supra* note 194.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Valerie Strauss, *Charters vs. Public Schools: Behind the Numbers*, WASH. POST (May 23, 2010, 2:58 PM), <http://voices.washingtonpost.com/answer-sheet/charter-schools/about-the-brill-story-on-chart.html>.

claim that recent reform efforts in place had been working, with McKinley test scores on the rise. These groups argue that a more constructive option would have been more communication between parents and teachers before bulldozing into the Parent Trigger campaign.¹⁹⁹ Teachers expressed disappointment that parents had not tried to work with them before “pushing” the Parent Trigger process.²⁰⁰

VI. SOLUTIONS, ALTERNATIVES, MODEL LEGISLATION

A. DO WE NEED THESE LAWS?

Most Parent Triggers in their current form can safely be called dramatic; the changes most of the laws allow are capable of completely transforming a school. But based on what we currently know about successful education policy, there may be less disruptive alternatives to improving schools and giving parents more control.

First, rather than barely-passed bills originating from lobbyists that allow for overhaul of failing schools, more thought-out, researched, and collaborative laws could be passed to implement smaller changes, such as requiring a certain level of parental involvement. Most parent-trigger law advocates, including many parents, argue that their children’s education has become too political and argue that public school policy should be shaped by parents and teachers working *together* at the local level. Local school boards may be the answer for parents who want involvement, and trigger laws are unnecessary.²⁰¹ If parents are

¹⁹⁹ The California teachers’ union claimed the McKinley Parent Trigger action was “misplaced,” as plans for positive change such as a teacher-led reading and math, had already been implemented at McKinley. *Compton Parents Use New ‘Trigger Law’ to Demand Charter School*, HUFFINGTON POST (Dec. 7, 2010, 9:04 PM), http://www.huffingtonpost.com/2010/12/07/parent-trigger-law-compton-mckinley-elementary_n_793537.html. According to a representative for the California Teachers Association, McKinley’s state tests score had rose seventy-seven points over the last two years. *Id.*

²⁰⁰ *Id.*

²⁰¹ *Parent Trigger Laws in the States*, *supra* note 3.

unhappy with the school's management, the answer is simple: just vote to overturn the board. The counter-argument for this solution is that this is a slow process and often more difficult than it seems. However, there exists a notion that parental involvement in local schools automatically makes schools strong; no school fails with heavily involved parents.

B. MODEL LEGISLATION

To reduce the potential for chaos and conflict in the community, a majority vote of seventy-five percent rather than fifty-one percent might alleviate the concern that a substantial number of parents at PT schools were getting tossed into an undesirable "solution" that they hadn't bargained for when they enrolled their children in school.²⁰²

Another facet of a model Parent Trigger law would be to require the applicable schools to have implemented parental involvement initiatives before being subject to parental conversion.²⁰³ If parents really desire involvement with their children's schools, the first step should involve meaningful parental involvement in students' activities, reading, and parenting.

To address the outside-agitator argument and to prevent the laws from serving the business goals of charter school operators, laws could prevent operators from actually funding the Parent Trigger campaigns.²⁰⁴ Additionally, the laws could require complete disclosure of funding sources.

VII. CONCLUSION

When former State Senator Gloria Romero passed the nation's first trigger law in 2010, she compared its importance to that of the civil rights movement. When former State Senator Gloria Romero

²⁰² Adam Emerson, an analyst at the Fordham Institute and supporter of Parent Triggers, has suggested that the requirement be a two-thirds or sixty-seven percent vote. Andrew J. Rotherman, *Can Parents Take Over Schools?*, TIME, (Mar. 8, 2012), <http://ideas.time.com/2012/03/08/can-parents-take-over-schools/>.

²⁰³ Daniel Johnson, *Putting the Cart Before the Horse: Parent Involvement in the Improving America's Schools Act*, 85 CALIF. L. REV. 1757 (1997).

²⁰⁴ *Parent Trigger Laws in the States*, *supra* note 3.

passed the nation's first trigger law in 2010, she compared its importance to that of the civil rights movement. While the momentum of the Parent Trigger movement has not gained as much speed as anticipated, what has happened since 2010 demonstrates that the nation is indeed passionately divided over reform

To blame Parent Revolution and its supporters for the problems in California would be just as unfair as placing the blame solely on school districts. Both sides played roles in the controversy by taking adversarial stances, lacking transparency, making poor choices, and sometimes acting unethically to further their positions. The harm caused to the Parent Trigger movement may be irreparable. Parents in other states who have attempted to start their own trigger movements lament that the debate over triggers is so charged that no productive action can be taken, and even the term "parent trigger" is a "toxic" catalyst that elicits controversy. This opposition is not fair to parents who "just wan[t] a good school."²⁰⁵

Political leaders also lament the difficulty Parent Trigger bills now face to pass in state legislatures, with many Parent Trigger laws failing in state legislatures this year.²⁰⁶ Some wonder whether the laws, which were intended to give parents the power in the educational arena by sidestepping the slow political and bureaucratic processes, have actually just become another "battleground" for the education debate to rage.²⁰⁷

With little data on the ultimate outcomes of trigger application schools like Adelanto and 24th Street, the ultimate success of these laws is widely unknown. Will Adelanto, once placed in the bottom ten percent of California schools, thrive as a charter? Or will, as some predict, the outcome be the same? Could Adelanto ultimately end up in a worse position if its performance does not improve and its charter is revoked?

²⁰⁵ Lindstrom, *With 'Parent Trigger' Laws*, *supra* note 12.

²⁰⁶ *Id.* State Senator David Holt, (R-Oklahoma City) sponsored a Parent Trigger bill in his state that died in the Oklahoma House in March 2013; Florida State Senator Kelli Stargel (R-Lakeland) also watched her Parent Trigger bill die in April 2013. *Id.*

²⁰⁷ *Id.*

It is clear that the nation is divided, and at the very least, confused, about the viability of Parent Trigger laws as positive educational reform tools. The seven states that have passed varying versions of the laws all share the same goal of giving parents a voice in their children's futures. However, the risks associated with the laws presents legislators with an extra responsibility of having to draw the laws carefully: they should be written in a way so as to prevent unfair influence from outside parties, or at the very least, disclosure of any outside support; they should lay out the expectations of trigger-schools to comply with federal regulations; and they should provide alternative educational options to families who do not wish to send their children to charters, if the school is converted. With the issue of failing public education looming over the country, the laws reflect a positive yet imperfect step towards innovation, change, and hope for more student-centered education policy.

One's position on Parent Trigger laws depends on one's stance on charter schools. The legislation history and later application of the Parent Trigger demonstrate charter schools are, and were intended to be, heavily involved in the Parent Trigger process. Those who strive to keep public schools alive and view them as crucial to our nation's health, and those who believe that reform tools, such as those discussed in Part II of this note, have not come to agreement as to how the future of education should look. Charter schools are a positive and powerful education tool and deserve a place at the educational table, but the appropriate way of proliferating their influence is not under the guise of parent empowerment. Until the day that parents independently initiate, unite, organize, and decide to pull the trigger themselves, the full force of Parent Trigger laws cannot be realized.