

Recommendations for Choice Program Provisions in the Elementary and Secondary Education Act

Issue Brief **3**

The Elementary and Secondary Education Act is the nation's key federal education law. Funding appropriated under ESEA reaches almost every district in the nation; therefore the policies and programs enacted in the law can significantly affect the progress of our nation's schools. Congress has an opportunity to reauthorize the law this year and make substantial changes to the 2002 version. The National Coalition on School Diversity previously published a policy brief with broad principles for the reauthorization of the ESEA.¹

This policy brief addresses several key provisions in the Elementary and Secondary Education Act that provide policy support and funding to states and localities seeking to deconcentrate poverty and reduce racial isolation in schools. These "choice" programs which include the Magnet Schools Assistance Program and the Voluntary School Choice Program, provide low-income and minority students with opportunities to go to higher-performing schools outside of their traditional school assignment boundaries. A large body of research demonstrates that students attending low-poverty and diverse schools experience more positive academic outcomes and greater opportunities in post-secondary education and career.² For this reason, the National Coalition on School Diversity has also encouraged the federal government to promote deconcentration of poverty and racial diversity in the Charter Schools Program, another key "choice" program within the ESEA.³ As Congress approaches the reauthorization of ESEA, it should adopt the following recommendations to ensure that the law's choice programs can continue to support high-quality and efficacious programs that reinforce the law's goals of equity and diversity.

I. Magnet School Assistance Program (Secs. 5301-5311)

Created nearly forty years ago to support school districts' implementation of court-ordered desegregation plans, the Magnet School Assistance Program (MSAP) currently is the primary source of federal funding for innovative school integration measures that have proven effective in increasing student achievement. The MSAP provides grants for public schools that reduce minority group isolation, promote diversity, improve academic achievement through high-quality curricula, and provide hubs for unique and innovative instructional practices and programs.

Recent research confirms that school integration provides young people with the skills necessary to participate meaningfully in our increasingly diverse civic life and to flourish in our globalizing workplaces. Integrated learning environments also better prepare students to attend and succeed in college. Unfortunately, most schoolchildren today are unable to obtain these well-documented benefits of diversity. Indeed, our public schools today are more racially isolated than at any time in the past four decades. This increasing resegregation undermines the fabric of our democracy. Recognizing the harms of resegregation and the benefits of diversity, a majority of Supreme Court Justices in *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) concluded that promoting diversity and avoiding racial isolation are compelling interests that communities can and should pursue to help realize *Brown v. Board of Education's* promise of high-quality, inclusive schools for all children.

MSAP grant recipients have been widely praised for both promoting racial integration, preventing

resegregation, and improving academic achievement. For instance, in 2008, the U.S. Department of Education profiled a number of successful magnet schools. *See Innovations in Education: Successful Magnet High Schools (2008)*⁴

- **We urge that Congress retain the MSAP’s funding priority for high-quality programs that promote racial integration.** The current statutory and regulatory framework for the MSAP, which strikes the right balance between an emphasis on promoting the goal of racial diversity while permitting school districts to use creative and innovative means to pursue this goal, including the design of programs that increase interaction among students of different socio-economic backgrounds, in addition to promoting diversity based on race and ethnicity. *See, e.g.,* Secs. 5303, Sec. 5305. Moreover, the MSAP is operated in accord with the Supreme Court’s decision in *Parents Involved*, which endorses a number of methods that school districts can use to achieve racial diversity, prior to relying on individualized student racial classifications.
- **Congress should promote conversion of low performing schools to magnets as a turnaround strategy under the ESEA accountability system.** Districts often transfer students at a school closed due to low school performance to only marginally better performing schools within the district. School closure could be an opportunity to radically change the school environment. Converting a low-performing school to a magnet school would allow current students to have a choice to attend their old school while also creating a new opportunity for a more diverse school. Conversion to a magnet may also attract new teachers looking for an opportunity to teach in a different school environment.

- **Congress should include stronger equity requirements for MSAP grant recipients.** Magnet schools should offer every child in the school equal access to the resources and benefits of the school. Therefore, MSAP applicants/recipients should be required to describe how they will decrease in-school segregation and ensure minority students have access to effective teachers and the same curriculum as other students.

II. Voluntary Public School Choice (VPSC) (Secs. 5241-5248)

This program currently supports efforts to establish or expand intradistrict, interdistrict, and open enrollment public school choice programs to provide parents, particularly parents whose children attend low-performing public schools, with expanded education options. We urge Congress to enhance this program in ways that encourage public school choice programs that effectively enhance racial and socio-economic diversity, while reducing the harms of racial isolation. One particularly promising example of a public school choice program that promoted diversity is the Chapter 220 inter-district program in the Milwaukee, Wisconsin area.⁵

Applicants should be encouraged to design voluntary public school choice programs that promote diversity and reduce racial isolation.

Congress should add an additional funding priority for grant applicants that promote inclusive educational environments, decrease concentrations of poverty, and reduce the harms of racial isolation. The ESEA should also prohibit funding under this grant program for applicants that would increase concentrations of poverty or exacerbate the harms of racial isolation to the detriment of student achievement.

- **Permissible uses of grant funds should be expanded.** Transportation is only one set of

costs for districts considering adopting inter-district choice plans. In order to truly incentivize states and districts to adopt these plans, the federal government must provide both sufficient funds for VPSC and expand permissive uses beyond administrative and programmatic costs. Permissive uses for grants should be expanded to recognize the significant increase in costs for students transferring from another district. Students arriving from lower-performing districts may need intensive academic services and support to successfully transition to their new schools. In addition, districts should be allowed, and encouraged, to use funds to facilitate parents' active involvement in their students' schools. Receiving districts should be permitted to use funds for teacher training and staff development to ensure the success of transferring students, while districts from which students are transferring should continue to receive necessary resources and support to effectively enhance those schools with achievement and other gaps.

- **Align goals of the ESEA “right-to-transfer” provision and the VPSC program.** States should be required to ensure that every low-income child assigned to a school that consistently underperforms on the ESEA's accountability standards has the guaranteed right to enroll in a high-performing school. Often, there is a lack of higher-performing schools available in the LEA, providing students with no real transfer right. The VPSC should prioritize inter-district arrangements created to expand the options for students in extremely low-performing districts. The Department should also aggressively encourage states and districts to use the VPSC grant program as part of their school improvement plans.

III. Charter Schools Program (Secs. 5201-5211)

The federal charter schools programs provide grants to fund the creation, evaluation, expansion, and state support for charter schools. Because charter schools can be located almost anywhere, they have great potential to increase diverse school options to students. We encourage Congress to take advantage of this fact and support the development of more diverse, inclusive charters that serve intentionally socioeconomically and racially diverse student bodies. For further information, see NCSA's policy brief on charter schools, at www.prrac.org/pdf/DiversityIssueBriefNo2.pdf

- **The funding priorities should be revised to encourage states to develop diverse, inclusive charter schools.** Building upon the model provided by the Magnet School Assistance Program, Congress should add an additional funding priority for grant applicants that promote inclusive educational environments, decrease concentrations of poverty, and reduce the harms of racial isolation. The ESEA should also prohibit funding under this grant program for applicants that would increase concentrations of poverty or exacerbate the harms of racial isolation to the detriment of student achievement.
- **The law should offer competitive preference to charters that purposefully seek to serve multiple districts.** Many state charter school laws allow charters to locate in any location, regardless of district boundaries. Charters often locate in areas of extreme poverty concentration in order to serve the most disadvantaged students. In many metropolitan areas, however, creative siting of charter schools could allow the school to serve both areas of concentrated poverty and students in more affluent and diverse areas. The Charter Schools Program should recognize this and use

a competitive preference to encourage new charter schools to locate in areas where they can serve a diverse student body.

- **The funding priorities should be revised to emphasize stronger state accountability for charter authorization.** The current law prioritizes states that hold charters accountable by reviewing progress at least every 5 years and allows agencies separate from LEAs to authorize charters. See Sec. 5202(e). This priority should be revised to reward states that empower their charter authorizers to review progress at least every two years and review a wider set of performance measures including the closure of gaps in achievement both between and within subgroups, enrollment rates, attrition rates, discipline data, ELL/LEP and special education services and access to highly effective teachers.
- **Charter schools should serve all students, including English Language Learners and students with disabilities.** Charter schools funded under this program should be required to conduct appropriate outreach in order to attract a diverse student population, and to have plans in place to serve all students. Charter schools must also work to retain all students in their schools and provide the supports they need to be successful, and charter school authorizers should hold school accountable for doing so.
- **Charter schools funded under this program should be expressly required to adhere to all federal civil rights laws protecting both students and school employees.**
- **Charter schools funded under this program should be required to have meaningful and**

consistent parent and community engagement programs/initiatives.

- **This grant program should provide incentives to encourage charter schools to retain their students through all grades offered by the charter school.**

Endnotes

- 1 National Coalition on School Diversity, “Key Principles for ESEA Reauthorization,” (Washington, DC: National Coalition on School Diversity, 2011) (<http://prrac.org/pdf/DiversityIssueBriefNo1.pdf>)
- 2 Susan Eaton, “How the Racial and Socioeconomic Composition of Schools and Classrooms Contributes to Literacy, Behavioral Climate, Instructional Organization and High School Graduation Rates,” (Washington, DC: National Coalition on School Diversity, 2010). (<http://prrac.org/pdf/DiversityResearchBriefNo2.pdf>)
- 3 National Coalition on School Diversity, “Federally Funded Charter Schools Should Foster Diversity,” (Washington, DC: National Coalition on School Diversity, 2010) (<http://prrac.org/pdf/DiversityIssueBriefNo2.pdf>)
- 4 Available at www2.ed.gov/admins/comm/choice/magnet-hs/index.html.
- 5 See http://www.charleshamiltonhouston.org/assets/documents/publications/Wells_BoundaryCrossing.pdf

The National Coalition on School Diversity is a network of national civil rights organizations, university-based research institutes, local educational advocacy groups, and academic researchers seeking a greater commitment to racial and economic diversity in federal K-12 education policy and funding. **For more information on the National Coalition on School Diversity, go to www.school-diversity.org**
