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PARENT TRIGGER LAWS: AN OPPORTUNITY FOR PARENTS AND ACADEMIC ACHIEVEMENT

By: Kaitlin Jenkins

INTRODUCTION

There is an increase in innovative legislation targeted to decrease academic disparity among school districts in the United States. Two of the most recently enacted federal legislations are No Child Left Behind (“NCLB”) and Race to the Top.¹ Race to the Top incentivizes school districts with monetary rewards for ambitious and achievable academic improvement plans.² NCLB also deters school districts from failing to make academic progress with the threat of federal intervention.³ State governments, most recently, are considering and enacting Parent Trigger Laws as a legislative mechanism to improve academic achievement through parent empowerment.⁴ Generally, Parent Trigger Laws allow parents to petition for structural reform in underachieving schools.⁵

The innovative nature of Parent Trigger Laws creates an opportunity for parents to increase academic achievement. Although previous legislation purports to tackle the same goal, Parent Trigger Laws are unique because they empower parents.⁶ Parents with power under Parent Trigger Laws will be more successful because they will be able to overcome the obstacles faced by federal legislation and use their knowledge to select the appropriate path for their children’s schools.⁷ Specifically, the parents’ main purpose is to ensure their child’s academic

¹ No Child Left Behind Act of 2001, 20 U.S.C. §6301 (2006); American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 (2009).

² American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 (2009).

³ See 20 U.S.C. §6301 (2006).

⁴ *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 Oct. 5, 2012).

⁵ *In Your State*, THE PARENT TRIGGER, theparenttrigger.com/in-your-state/ (last visited Mar. 21, 2013).

⁶ *Model Legislation*, PARENT REVOLUTION, <http://parentrevolution.org/content/model-legislation>.

⁷ Jose M. Evans, *Local School Councils Can Democracy Save IPS?*,

<http://www.indy.gov/eGov/Council/Documents/Local%20School%20Councils%20in%20IPS.pdf>.

success and parents will not be dissuaded from implementing structural change due to a state's ability to avoid federal legislation or by bureaucracy. Instead, parents will be able to use their unique knowledge of the community and their children to force structural change that is targeted to address the specific needs of the underachieving school their children attend.

This Note explores the benefits of parent empowerment in underachieving school districts. Part I will discuss the evolution of federal legislation, starting at the conclusion of the Civil Rights Movement and ending with No Child Left Behind and Race to the Top. In addition to, the academic struggles faced by students today and a general look at enacted Parent Trigger Laws. Next, Part II will identify the current challenges faced by federal legislation and explore the unique advantages Parent Trigger Laws have over federal legislation. Finally, Part III ends by reflecting on parent empowerment and the ability of parents to use their knowledge to overcome obstacles faced by past legislation in order to increase academic achievement.

Part I. BACKGROUND

The United States' movement to improve education is an ongoing battle that began in 1965 with the Secondary Education Act.⁸ During the reauthorization and amending process of the Secondary Education Act strides were taken by Congress to ensure the Act targeted the areas within the education system that would produce the most significant improvements in academic achievement. However, student proficiency scores still reveal two education gaps: one based on race and the other based on socioeconomic status. In order to support federal legislation and combat the education gaps, states are considering and enacting Parent Trigger Laws.

A. History of Federal Legislation Seeking Academic Improvement

The federal government made a definitive entry into public education approximately fifty years ago with the Secondary Education Act ("ESEA of 1965"), which was most recently

⁸ Elementary and Secondary Education Act of 1965 (ESEA), Pub. L. 89-10 (1965).

modified to form No Child Left Behind (“NCLB”) in 2001.⁹ The ESEA of 1965 was enacted in response to a national concern at the conclusion of the Civil Rights Movement and War on Poverty when the abysmal education of minority children became widespread knowledge.¹⁰ The ESEA of 1965 allowed the federal government to provide assistance to improve the quality of education received by students in low-income communities where the overwhelming majority of students were minorities.¹¹ However, the ESEA of 1965 reflected the disagreement regarding how federal funds should be allocated to maximize academic achievement.¹² Despite the ESEA of 1965’s initial shortcomings Congress strengthened the act in 1968 and 1974 by ensuring that the amended Act’s funds targeted specific education programs.¹³ Recent amendments to the ESEA of 1965 included “challenging standards, mandating assessments ‘aligned’ with those standards, ‘holding schools accountable’ for student progress in core subjects, eliminating ‘achievement gaps’ between various groups of students, encouraging the use of ‘research-based’ programs, and ensuring that educators are ‘highly qualified’.”¹⁴ The federal government, through the ESEA amendments, portrays their commitment to education and minimizing the education gaps.

NCLB maintains the original goals of the ESEA of 1965, but provides a new system that holds school districts accountable for academic progress and provides federal intervention if school districts are unable to make progress. More specifically, NCLB’s primary goal is to

⁹ *Id.*; Julia Hanna, *The Elementary and Secondary Education Act*, HARVARD GRADUATE SCHOOL OF EDUCATION, (2005), http://www.gse.harvard.edu/news_events/features/2005/08/esea0819.html (last visited Oct. 5, 2012).

¹⁰ James Crawford, *Reauthorization of the Elementary and Secondary Education Act (ESEA) and the Policy Issues at Stake*, DIVERSITY LEARNING K12 (2011), http://www.diversitylearningk12.com/articles/Crawford_ESEA_FAQ.pdf.

¹¹ Patrick McGuinn & Frederick Hess, *Freedom From Ignorance? The Great Society and the Evolution of the Elementary and Secondary Education Act of 1965* (2005), reprinted in *THE GREAT SOCIETY AND THE HIGH TIDE OF LIBERALISM* 289-319 (Sidney M. Milkis & Jerome M. Mileur eds., 2005).

¹² *Id.*

¹³ *Id.*; see Digitalized Documents: 1965-2001 Elementary and Secondary Education Act (ESEA), US DEPARTMENT OF EDUCATION, http://www.archives.nysed.gov/edpolicy/research/res_digitized_ESEA.shtml (last visited Oct. 5, 2012).

¹⁴ Crawford, *supra* note 10.

ensure that all children have a fair, equal, and significant opportunity to achieve academic excellence.¹⁵ NCLB asserts that its goal can be monitored with an academic assessment program, which ensures the educational needs of students are met.¹⁶ The academic assessment created under NCLB is a uniform system known as adequate yearly progress. Adequate yearly progress measures each student's proficiency levels in reading and math from year-to-year and then attributes those levels to the student's school.¹⁷ If a school's levels are below proficiency for two consecutive years it will be identified for school improvement.¹⁸ A school will then be required to provide enrolled students the option to transfer to another public school and create a plan for improvement.¹⁹ However, if a school continues to make inadequate yearly progress for a year after being identified for school improvement it will be subject to corrective action, which forces a school district to take at least one of the following actions: replace staff, institute and fully implement a new curriculum, decrease management authority at the school level, appoint outside experts for advice, extend the school year or day, or restructure the school.²⁰

The federal government observed that even with federal intervention under NCLB more efforts were needed and Congress enacted Race to the Top in 2009. Race to the Top provides monetary rewards to school districts that implement innovative education plans to increase academic achievement.²¹ However, two years after Race to the Top was enacted, Congress was

¹⁵ 20 U.S.C. §6301 (2006).

¹⁶ *Id.*

¹⁷ *Id.*; *Adequate Yearly Progress*, EDUCATION WEEK (Aug. 3, 2014), <http://www.edweek.org/ew/issues/adequate-yearly-progress/>.

¹⁸ *Adequate Yearly Progress*, *supra* note 14; No Child Left Behind Act of 2001, 20 U.S.C. §6316 (2006).

¹⁹ 20 U.S.C. §6316 (2006).

²⁰ *Id.*

²¹ *U.S. Department of Education*, RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY (Nov. 2009), available at <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>.

unable to come to an agreement for NCLB's reauthorization and the Act expired in 2011.²² However, the Obama Administration bypassed the legislative process with a waiver system.²³ The waiver system provides states with flexibility and purports to stimulate state innovation, since NCLB has not been amended to include new education methods and technology.²⁴ Thus, in order for a state to be issued a waiver the state must submit a proposal for educational reform that includes an innovative method.²⁵ Currently, more than half of the states have been issued waivers by the U.S. Department of Education.²⁶

The federal government is persistent in the movement to improve education in low-income and underachieving school districts, as evident by the ESEA of 1965 and its amendments, and the Race to the Top program. Specifically, the federal government continues to push for NCLB's reauthorization and may consider making state waivers permanent. The continuation of federal intervention in education is necessary to improve the opportunities available to low-income communities and minority students where increased academic achievement will have the greatest effect.

B. Current Academic Conditions

Education based legislation combats flaws in the education system, however current academic statistics reveal that the education gap from 1965 has declined, but still remains. The education gap occurs in two categories: race and socioeconomic status. The racial education gap reveals that African American and Hispanic students are consistently out performed by white

²² Joy Resmovits, *No Child Left Behind Reauthorization Debate to Likely to Continue in Obama Second Term*, THE HUFFINGTON POST (Nov. 19, 2012), http://www.huffingtonpost.com/2012/11/19/no-child-left-behind-reauthorization_n_2161498.html.

²³ Jeremy Ayers & Isable Owen, *No Child Left Behind Waivers*, CENTER FOR AMERICAN PROGRESS (July 2012), <http://www.americanprogress.org/wp-content/uploads/issues/2012/07/pdf/nochildwaivers.pdf>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ See *Title I Waiver Letter*, U.S. DEP. OF EDUCATION, <http://www2.ed.gov/nclb/freedom/local/flexibility/waiverletters2009/index.html#al> (last modified Sept. 15, 2011).

students. The socioeconomic education gap provides that students in higher socioeconomic classes reach higher proficiency levels than students in lower socioeconomic classes.

Data collected by the U.S. Department of Education's National Center for Education Statistics ("NCES") illustrates the racial education gap.²⁷ The data collected consists of test scores that are classified by the NCES as either at or above basic or at or above proficient.²⁸ At or above basic "denotes partial mastery of the knowledge and skills that are fundamental for proficient work at a given grade."²⁹ At or above proficient "represents solid academic performance . . . reaching this level demonstrated competency over challenging subject matter."³⁰ The data was then broken down based on selected student characteristics, including grade and race.³¹

The NCES' most recent statistics revealed an education gap among white, African American, and Hispanic students.³² Specifically, between late 1990 and 2011 white students reached higher proficiency levels than African American and Hispanic students in both mathematics and reading.³³ In 1996, mathematical proficiency among fourth grade students broken down based on race showed African American and Hispanic students performing approximately thirty to forty points below white students in the at or above basic category and twenty points in the at or above proficient category.³⁴ In 2011, the disparity remained consistent

²⁷ *Digest*, NATIONAL CENTER FOR EDUCATION STATISTICS, <http://nces.ed.gov/programs/digest/> ("The Digest includes a selection of data from many sources, both government and private, and draws especially on the results of surveys and activities carried out by the National Center for Education Statistics.").

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Table 144.5*, NATIONAL CENTER FOR EDUCATION STATISTICS (Aug. 2012), http://nces.ed.gov/programs/digest/d12/tables/dt12_00k.asp; *Table 127.5*, NATIONAL CENTER FOR EDUCATION STATISTICS (Aug. 2012), http://nces.ed.gov/programs/digest/d12/tables/dt12_00j.asp.

³⁴ In 1996, the average score among all fourth grade students was 63 at or above basic and 21 at or above proficient. White students scored 26, African American students scored 27, and Hispanic students scored 40 at or above basis.

at approximately thirty to forty points at or above basic and at or above proficient.³⁵ The disparity among the races in mathematical proficiency scores remains consistent as education levels increase.³⁶ In 1998, reading proficiency among fourth grade students broken down by race showed a disparity of approximately thirty five points at or above basic and at or above proficient.³⁷ In 2011, there was a disparity of approximately twenty-five points at or above basic and at or above proficient.³⁸ The disparity in reading proficiency is consistent as education levels increase.³⁹

An additional disparity in academic achievement is based on socioeconomic status.⁴⁰

Research continues to find lower academic achievement and slower rates of academic progress

White students scored 27, African American students scored 3, and Hispanic students scored 7 at or above proficient. *Id.*

³⁵ In 2011, the average score among all fourth grade students was 82 at or above basic and 40 at or above proficient. White students scored 91, African American students scored 66, and Hispanic students scored 72 at or above basic. White students scored 52, African American students scored 17, and Hispanic students scored 24 at or above proficient. *Id.*

³⁶ In 1996, the average score among all eighth grade students was 61 at or above basic and 23 at or above proficient. At or above basic, White students scored 73, African American students scored 25, Hispanic students scored 39. At or above proficient, White students scored 20, African American students scored 4, Hispanic students scored 8. In 2011, the average score among eighth grader students was 73 at or above basic and 35 at or above proficient. At or above basic, White students scored 84, African American students scored 51, Hispanic students scored 61. At or above proficient, White students scored 44, African American students scored 13, Hispanic students scored 20. *Id.*

³⁷ In 1998, the average score among all fourth grade students was 60 at or above basic and 29 at or above proficient. At or above basic, White students scored 70, African American students scored 36, Hispanic students scored 37. At or above proficient, White students scored 37, African American students scored 10, Hispanic students scored 13. *Id.*

³⁸ In 2011, the average score among all fourth grade students was 67 at or above basic and 34 at or above proficient. At or above basic, White students scored 78, African American students scored 49, Hispanic students scored 51. At or above proficient, White students scored 44, African American students scored 17, Hispanic students scored 18. *Id.*

³⁹ In 1998, the average score among all eighth grade students was 73 at or above basic and 32 at or above proficient. At or above basic, White students scored 81, African American students scored 53, Hispanic students scored 53. At or above proficient, White students scored 39, African American students scored 13, Hispanic students scored 14. In 2011, the average score among all eighth grade students was 76 at or above basic and 34 at or above proficient. At or above basic, White students scored 85, African American students scored 59, Hispanic students scored 64. At or above proficient, White students scored 43, African American students scored 15, Hispanic students scored 19. *Table 144, supra* note 33.

⁴⁰ *Id.*; Table 127.5, NATIONAL CENTER FOR EDUCATION STATISTICS (Aug. 2012), http://nces.ed.gov/programs/digcst/d12/tables/dt12_00j.asp.

when comparing lower socioeconomic communities to higher socioeconomic communities.⁴¹

Specifically, the socioeconomic gap grew by forty percent since 1960 and is nearly double the racial education gap.⁴²

These statistics prompt the need for additional legislation that can reach minority students and low-income communities. Legislation that provides an equal opportunity for both minority students and low-income communities will help to continue narrowing the racial education gap and prevent the growth of the socioeconomic education gap. Importantly, additional legislation can help support federal legislation's original goals to equalize education and ensure all students are given an opportunity to become successful adults.

C. Parent Trigger Laws, Generally

In response to the education gap, Parent Revolution, a team that works with parents in underperforming school districts, lobbied for Parent Trigger Laws that encompass a “theory of change,” which empowers parents to make decisions in underachieving school districts.⁴³

Further, the theory of change takes parents from being denied access to school achievement results to a role where they can advocate and force change to improve academic conditions.⁴⁴

Parents, therefore, hold the power to reform education.⁴⁵

⁴¹ *Digest of Education Statistics*, NATIONAL CENTER FOR EDUCATION STATISTICS (May 2010), http://nces.ed.gov/programs/digest/d11/tables/dt11_122.asp; *Digest of Education Statistics*, NATIONAL CENTER FOR EDUCATION STATISTICS (Sept. 2009), http://nces.ed.gov/programs/digest/d11/tables/dt11_123.asp.

⁴² Sabrina Tavernise, *Education Gap Grows Between Rich and Poor, Studies Say*, N.Y. TIMES (Feb. 2, 2012), http://www.nytimes.com/2012/02/10/education/education-gap-grows-between-rich-and-poor-studies-show.html?pagewanted=all&_r=0.

⁴³ *Passing the Parent Trigger*, PARENT REVOLUTION, <http://parentrevolution.org/content/passing-parent-trigger>; *Our History*, PARENT REVOLUTION, <http://parentrevolution.org/content/our-history>. (parent Revolution is a non-profit organization that works directly with parents at underperforming schools in Los Angeles and throughout California. Their mission is to empower parents and transform low performing schools with a kid first agenda.)

⁴⁴ *Passing the Parent Trigger*, *supra* note 43; *Our History*, *supra* note 43.

⁴⁵ *Passing the Parent Trigger*, *supra* note 43.

An example of Parent Trigger Legislation offered by Parent Revolution aids in understanding how Parent Trigger Laws function.⁴⁶ Parent Trigger Laws have four major provisions that allow them to act as a mechanism to improve academic achievement, these include: (1) school qualification, (2) parent empowerment, (3) transformation options, and (4) implementation.⁴⁷ The Parent Revolution example provides that a school must qualify as an underachieving school.⁴⁸ An underachieving school is classified based on its academic performance in comparison to other schools in the state.⁴⁹ Parent Revolution proposes that a school must be in the bottom twenty percent of schools in the state.⁵⁰ Once a school qualifies as underachieving parents are granted power under the Parent Trigger Legislation.⁵¹ In order for parents to exercise their power they must act with consensus from at least fifty-one percent of parents that have children in the school.⁵² Parents can represent their unity through a signed petition or similar mechanism.⁵³ The third provision deals with the types of intervention methods available.⁵⁴ School intervention options include conversion to a charter school or the implementation of an intervention method such as, the turnaround, restarts, or transformation models.⁵⁵ The final provision deals with what entity, the parents or school district, is given the opportunity to select and implement the intervention method.⁵⁶ Parent Revolution's example allows parents to choose the intervention method.⁵⁷

⁴⁶ *Model Legislation, supra* note 6.

⁴⁷ *See generally Id*; NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

⁴⁸ *Model Legislation, supra* note 6.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Model Legislation, supra* note 6.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

The Parent Revolution example provides a template for states to follow while adopting a Parent Trigger Law. Therefore, the legislation adopted by a state can either dilute or support the original concept of the Parent Trigger Law presented by Parent Revolution. A state will easily be able to support to concept so long as they are willing to incorporate the parent empowerment component, which is unique and essential to Parent Trigger Laws.

D. Parent Trigger Laws: Current Legislation

The influence of Parent Revolution's example is apparent in state legislation, however the components adopted in each state's legislation vary. Today, the series of Parent Trigger Laws come from seven states: California, Connecticut, Indiana, Louisiana, Mississippi, Ohio, and Texas.⁵⁸ Each state's legislation incorporated a different approach, but there are common provisions among the states that are also in conformity with Parent Revolution's example.⁵⁹ A comparison of the major provisions, as described above, of each state's legislation reveals the differences and similarities.⁶⁰

The first major provision is the academic standing of a school required in order for the school to qualify under a Parent Trigger Law.⁶¹ In California, a school must fail to meet adequate yearly progress for three consecutive years and be in corrective action under NCLB for at least one year.⁶² In Connecticut, the school must be identified by the state or school district as in need of improvement or low achieving.⁶³ In Indiana, the school must be identified for two consecutive years.⁶⁴ In Louisiana, the school must receive a "D" or "F" from the state for three consecutive

⁵⁸ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

years.⁶⁵ In Mississippi and Texas, the school must be a low performing school for three consecutive years.⁶⁶ In Ohio, the school must be ranked in the bottom five-percent of schools for three consecutive years.⁶⁷ It appears through the legislation of each state that there are different standards that define low performing, but all are able to demonstrate that a school must be low performing for at least two consecutive years.⁶⁸

The next two major provisions are parent empowerment and the transformation methods.⁶⁹ All states except for Connecticut agree that parents can act with a majority of parents' approval collected through a petition.⁷⁰ However, there is more diversity within the legislation regarding the types of transformation methods available.⁷¹ California adopted that all transformation options available under NCLB for a corrective action school are available under the state's Parent Trigger Law. Similarly, Ohio and Connecticut adopted the transformation option pursuant to NCLB, but added additional transformation options.⁷² The remaining five states adopted fewer transformation options, but all included the conversion method available under NCLB.⁷³ The common link between these state's Parent Trigger Laws is the homage to NCLB's transformation options.⁷⁴

The final major provision, and where states diverge, is the implementation of a transformation method.⁷⁵ In California, parents are given the opportunity to select the intervention method and the school district can override their decision only if it would be

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

impracticable to implement the parents' choice.⁷⁶ In Connecticut, the school district must implement the state's final decision.⁷⁷ Similarly, in Mississippi the school district must implement the state's final decision to either approve or deny the intervention method selected by parents.⁷⁸ Indiana requires the school district to approve the intervention method regardless of a parent petition.⁷⁹ Louisiana does not specify the actions a school district can take during intervention.⁸⁰ In Ohio, the school district can appeal to the state if the intervention method cannot be implemented, but then must choose another method.⁸¹ In Texas, the school district may recommend the state take a different action than that specified in the parents' petition.⁸² The disparity between Parent Trigger Laws regarding the influence a school district has over intervention once parents exercise their power is apparent, but it appears that the majority of states are not willing to exclude the school district completely.⁸³

Despite the differences in Parent Trigger Laws the legislation remains valuable so long as it grants power to parents. The ability of parents to take control of their children's education will change the culture of education by providing students with an additional mechanism to reach academic achievement.⁸⁴ Significantly, California Governor Arnold Schwarzenegger stated that "empowering parents is a key factor[]" in achieving the legislation's intent.⁸⁵ In addition, supporters of Parent Trigger Laws believe they are "the most powerful education reform since... school voucher[s]."⁸⁶

⁷⁶ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

⁸³ *Id.*

⁸⁴ S. 2009-10, 5th Sess., at 47 (CA. 2010).

⁸⁵ *Id.*

⁸⁶ *About, THE PARENT TRIGGER*, <http://theparenttrigger.com/about/>.

II. ANALYSIS

The disparity in education based on race and socioeconomic status, in addition to the need for states to enact Parent Trigger Laws illustrates that federal legislation may be unable to overcome their obstacles and parent empowerment is the solution. The obstacles faced by federal legislation include: NCLB waivers and the bureaucratic nature of school districts. However, Parent Trigger Laws provide a unique approach to ensure NCLB is enforced and remain unaffected by waivers and bureaucracy with the use of parent power.

A. Current Challenges Faced by Efforts to Increase Academic Achievement

By fostering greater parent involvement Parent Trigger Laws will improve education in underachieving schools, acting as a supplement to achieve the goals of federal legislation and an alternative to normal school districts policies. Parent Trigger Laws act as a mechanism to achieve the goals of NCLB because they incorporate similar provisions and intervention methods that are found under NLCB.⁸⁷ However Parent Trigger Laws, by granting power to parents, prevent school districts from avoiding intervention if the state where they reside has been issued a NCLB waiver.⁸⁸ In addition, under Parent Trigger Laws parents are able to bypass the bureaucratic nature of school districts that prevents adequate change that would, otherwise, increase academic achievement.

NCLB waivers were meant to encourage states to create innovative education legislation during the NCLB reauthorization debate, but once the waivers were issued there were both positive and negative outcomes.⁸⁹ The waiver program was created as a solution to Congress'

⁸⁷ Compare 20 U.S.C. §6301, with *Model Legislation*, *supra* note 6.

⁸⁸ David Grissmer et. al, *Improving Student Achievement: What State NAEP Test Scores Tell Us*, RAND EDUCATION (2000), http://www.rand.org/content/dam/rand/pubs/monograph_reports/2000/MR924.pdf.

⁸⁹ Resmovits, *supra* note 22.

inability to amend and reauthorize NCLB, which caused states to be held back.⁹⁰ For example, states "developed ways to measure student growth and teacher effectiveness" that moved states ahead of NCLB.⁹¹ Therefore, in order for a state to be issued a waiver it was required to present an innovative idea before the NCLB requirements would be waived. Currently, when states apply for a waiver they are required to showcase promising ideas to further academic achievement.⁹² However, states are not submitting innovative programs, but those that had already been implemented.⁹³ Thus, the waiver program is not stimulating new innovative legislation and still allowing states to waive their responsibilities under NCLB.

Parent Trigger Laws provide a mechanism for parents to reach NCLB even if the state has been issued a waiver. Based on the Parent Trigger Laws that have been passed and the example provided by Parent Revolution, it is clear that the majority of states included at least one intervention method provided under NCLB. Therefore, when parents are able to suggest or require an intervention method be implemented in an underachieving school pursuant to the state's Parent Trigger Law, they are ensuring NCLB is enforced.⁹⁴

Parent power plays another important role, since parents are not affected by the bureaucratic nature of school districts that allow resources to be inappropriately allocated and prevent structural reform.⁹⁵ A Broad Education article attributes bureaucracy in school districts to school official's compliance with inconsistent external orders.⁹⁶ The affect of compliance, according to the article, hinders resources in a school system from reaching the classroom and "may help to explain why many well-intentioned efforts to improve public schools have not

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Model Legislation, supra* note 6.

⁹⁵ *75 Examples of How Bureaucracy Stands in the Way of America's Students and Teachers*, BROAD EDUCATION, <http://www.broadeducation.org/about/bureaucracy.html>.

⁹⁶ *Id.*

worked.”⁹⁷ The article presents a theory that if parents, teachers, voters, and taxpayers are able to advocate in underachieving school districts, then resources will be used more effectively.⁹⁸

Moreover, in a study conducted by Research and Development Education (“RAND”) it reported, “public schools have used additional resources ineffectively and inefficiently.”⁹⁹ According to the study, it is the bureaucratic nature of school districts that prevents and will continue to prevent reform.¹⁰⁰ The study concluded that if resources were used for structural reform in underachieving schools there would be an increase in academic achievement.¹⁰¹

The advantage of parent involvement stems from their goal to see their children succeed academically, which will not be swayed by external orders. Pursuant to Parent Trigger Laws, parents will be in a position to advocate for school funds to be used to create structural reform. Further, if a school district is unwilling to take into consideration parents’ views the parents will be able to use their power to bypass a school district and implement an intervention method that leads to structural change.¹⁰²

B. Necessity of Structural Change in Underachieving Schools

Parent Trigger Laws will be able to improve academic achievement, since parents are able to accelerate structural change. Under NCLB, the federal government intervened to make structural changes in a number of schools, which lead to an increase in students’ academic achievement. These intervention methods provided under NCLB overlap with those provided in many Parent Trigger Laws and include: (1) conversion to a charter school, (2) restart model, (3)

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Grissmer, *supra* note 88. (RAND is a nonprofit research institution committed to exploring the most complex and consequential problems facing society) (the study collected test scores across the country. Six to seven different academic achievement tests).

¹⁰⁰ *Id.*

¹⁰¹ *Id.* (the study admits that more research is needed to determine the specific reform that is linked to academic achievement).

¹⁰² BROAD EDUCATION, *supra* note 95.

turnaround model, or (4) transformation model.¹⁰³ Importantly, Parent Trigger Laws also use parent's knowledge of their children and community to select the most effective intervention method. The combination of successful intervention methods and parent knowledge increase Parent Trigger Laws' likelihood of successfully increasing academic achievement.

More specifically each intervention method includes a different form of structural change. The restart model grants parents the ability to convert an underachieving school into an independent, high-quality charter school or bring in an in-district turnaround partner.¹⁰⁴ The turnaround model grants parents the ability to force their district to remove over half of the staff from their school and bring in a new team.¹⁰⁵ The intervention methods give parents the ability to force their school district to bring in a new principal and implement comprehensive reform.¹⁰⁶

There are three structural change methods that have been successful at improving academic achievement: the turnaround model, the restart model, and conversion to a charter school.¹⁰⁷ The effectiveness of the turnaround model was demonstrated by George Hall Elementary School in Mobile, Alabama, which before 2004 was one of the lowest performing schools with declining test scores, lack of community and parental involvement, and student involvement concerns. In 2004, the turnaround model was implemented and within five years "more than 90 percent of students were performing at or above proficiency in both reading and math," and the school was named a Blue Ribbon School.¹⁰⁸ In 2007, the turnaround model created similar improvement at Harvard School of Excellence, an elementary school ranked in

¹⁰³ *Model Legislation*, *supra* note 6; Parent Empowerment Law, EDUC. CODE ART. 3 (West 2010); 20 U.S.C. §6301.

¹⁰⁴ *Turnaround Options*, PARENT REVOLUTION, <http://parentrevolution.org/content/turnaround-options>.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ See *U.S. Department of Education Videos Highlight Successful School Turnarounds*, U.S. DEPARTMENT OF EDUCATION (Apr. 15, 2010), <http://www2.ed.gov/news/pressreleases/2010/04/04152010f.html>; *What's Possible Turning Around Americas Lowest Achieving Schools*, THE OFFICIAL BLOG OF THE U.S. DEP. OF EDUCATION (March 5, 2010), <http://www.ed.gov/blog/2010/03/whats-possible-turning-around-americas-lowest-achieving-schools/>.

¹⁰⁸ *Id.*

the bottom ten of all Illinois elementary schools.¹⁰⁹ Within two years of the turnaround model "the number of Harvard students meeting or exceeding state testing standards . . . increased 25%."¹¹⁰ Another success story of the turnaround model was Johnson Public School in Chicago where "only 40 percent of students were meeting state standards in reading, math, and science," and within two years of implementing the turnaround model, student enrollment, attitude, and achievement increased.¹¹¹

The restart model has also been successfully used to reform underperforming schools. It was successfully used at Locke Senior High School in Los Angeles, California. Before 2007, Locke Senior High School sent only five percent of seniors to a four-year college.¹¹² Additionally, the school environment was described as chaotic and led to a violent school riot in 2006.¹¹³ In 2007, the restart model was implemented to allow Green Dot, a nonprofit charter organization, to convert the High School into a charter school.¹¹⁴ The restart model led to a decrease in violence and suspensions and promoted stronger relationships between the staff and students.¹¹⁵

The transformation model demonstrated success in Hamilton County School District in Chattanooga, Tennessee, where it was used in eight of the twenty lowest performing schools in the state.¹¹⁶ The county successfully built leadership teams and programs to attract new teachers.¹¹⁷ After the transformation, from 2003 to 2008, student proficiency scores in both

¹⁰⁹ THE OFFICIAL BLOG OF THE U.S. DEP. OF EDUCATION, *supra* note 107.

¹¹⁰ *Id.*

¹¹¹ U.S. DEPARTMENT OF EDUCATION, *supra* note 107.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ U.S. DEPARTMENT OF EDUCATION, *supra* note 107.

reading and mathematics increased by approximately twenty five percent.¹¹⁸ Through the illustrative examples of George Hall Elementary School, Harvard School of Excellence, Johnson Public School, Locke Senior High School, and Hamilton County Schools, it is clear that the turnaround, restart, and transformation models are all effective at creating significant and positive changes in underachieving schools.

Parent Trigger Laws empower parents as well and are not the first form of legislation to do so, parent empowerment has been employed by Chicago Local School Councils (LSCs).¹¹⁹ Chicago School Reform Law created LSCs to increase academic progress and accountability in underachieving school districts.¹²⁰ LSCs are elected boards of individuals, not all employed by the school district, helped govern elementary, middle, and high schools.¹²¹ Specifically, each board consists of twelve seats, eight of which are reserved for parents of students in the school and members of the community.¹²² The chief of the board's position is reserved for a parent.¹²³ LSC's board members are given power to make decisions regarding the school principal's employment contract and how resources should be allocated.¹²⁴ The decision made by parents included: allocation of resources, approving how school funds and resources are allocated, approving and monitoring the implementation of the annual school improvement plan, and hiring and evaluating the school's contract principal.¹²⁵ Thus, LSCs give parents an opportunity to be involved in the school system and grant power to parents as board members.¹²⁶

¹¹⁸ *Id.*

¹¹⁹ *The Empowerment Parents Want: The LSC Model for School Reform*, PARENTS ACROSS AMERICA (Sept. 17, 2012), <http://parentsacrossamerica.org/empowerment-parents-want-lsc-model-school-reform/>.

¹²⁰ ILL. ADMIN. CODE TIT. 5 § 34-1 (2011).

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Local School Councils*, CHICAGO PUBLIC SCHOOLS, <http://www.cps.edu/pages/LocalSchoolCouncils.aspx> (last modified Feb. 15, 2012).

¹²⁶ *Id.*

The positive influence of increased parent involvement in their child's education was reported by Designs for Change, a research and advocacy group, in *The Big Picture*. Designs for Change reported that LSCs have had an overall positive effect on academic achievement.¹²⁷ Specifically, test scores in an underachieving school district with an LSC increased substantially as compared to a school district without an LSC.¹²⁸ Further, the Consortium on Chicago School Research reported that seventy-seven percent of LSC's functioned well, and seventy percent of teachers believed LSC's helped make their school better.¹²⁹ Additionally, LSC's increased low-income, minority parent involvement and had a positive impact on student achievement.¹³⁰

Parent Trigger Laws synthesize the two concepts presented by NCLB and LSC. Parent Trigger Laws incorporate the intervention methods provided under NCLB to allow for structural change in underachieving school districts. However, the Laws go a step further to exploit the benefits of parent knowledge and community awareness.¹³¹ Although parent power under Parent Trigger Laws and LSC differ, the result of increased parent involvement and influence outside the school district is the same.¹³² Therefore, Parent Trigger Laws capture the need for parent involvement by empowering parents to decide when a school requires structural change and what model would be best suited for the community.¹³³

Despite the trail of evidence, which leads to a conclusion that Parent Trigger Laws will increase academic achievement, concerns surround the intervention models and parent

¹²⁷ PARENTS ACROSS AMERICA, *supra* note 119.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Archon Fung, *EMPOWERED PARTICIPATION: REINVENTING URBAN DEMOCRACY* 114 (Princeton Univ. Press) (2004), available at

<http://books.google.com/books?id=xtYU8wvuYUYC&printsec=frontcover&dq=Archon+Fung,+EMPOWERED+PARTICIPATION:+REINVENTING+URBAN+DEMOCRACY&hl=en&sa=X&ei=Vw9XUZy6OYbK0AHu34DYBQ&ved=0CDkQ6AEwAA#v=onepage&q=Archon%20Fung%2C%20EMPOWERED%20PARTICIPATION%3A%20REINVENTING%20URBAN%20DEMOCRACY&f=false>.

¹³¹ Evans, *supra* note 7.

¹³² *Id.*

¹³³ *Id.*

involvement. Specifically, there are concerns that the intervention models are not as effective as they appear.¹³⁴ An example is the restart model that raises concerns that even if a school is converted into a charter school the structural change will be unable to penetrate the school's culture, therefore, unable to increase academic performance.¹³⁵ Additionally, there is an ongoing concern that parents' knowledge of their children and community is not sufficient to outweigh their lack of professional expertise.¹³⁶ These concerns can be minimized if Parent Trigger Laws are able to function in a manner that employs the benefits of both parents and the school districts.

C. Function of Parent Trigger Laws and How They Rebut Criticism

In order for Parent Trigger Laws to improve proficiency scores in underachieving school districts they must function properly. To determine the effectiveness of Parent Trigger laws, it is useful, to look at the four major provisions of the legislation: first, the academic conditions that an underachieving school must deteriorate to in order to qualify under a Parent Trigger Law; second, the mechanism that will be used to ensure a majority of parents agree that change is necessary; third, the structural change available; and four, the involvement of parents and the school district during implementation of structural change.

The first major provision, the academic conditions necessary, is not a large area of concern. All seven states that have adopted a Parent Trigger Law included provisions that underachievement must be extensive and ongoing. By ensuring that underachievement is extensive the state is preempting parents ability to intervene and disrupt the school system before it is necessary. This is a common trend of states and school districts under NCLB.¹³⁷

Additionally, there appears to be consensus among the seven states that a school must be

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Fung, *supra* note 130.

underachieving for at least two to three years.¹³⁸ Parent Trigger Laws which require a few years to pass before parents can intervene will provide a school district an opportunity to rectify the academic problems.¹³⁹ Overall, the extent to which a school must fail and time which must pass will prevent those opposed to Parent Trigger Laws from viewing them as “lynch-mob provisions.”¹⁴⁰

Second, the mechanism used to collect parent and legal guardian votes is critical to ensure that there is a consensus among parents that their children's underachieving school requires change, but the consensus seen in current Parent Trigger Laws needs adjustments. Generally, Parent Trigger Laws require a vote of fifty-one percent of parents to sign a petition in order for the parents to request structural change.¹⁴¹ A petition is inherently beneficial because it can be circulated to collect signatures and easily reviewed by a school district.¹⁴² However, in the Los Angeles Times, *A Better 'Parent Trigger'* calls for a super majority vote, notice to all parents at the school, and transparency during the petition process.¹⁴³ These suggestions have merit and should be given weight when states amend or adopt their Parent Trigger Law. Specifically, these changes will shield a petition form burdensome review by a school district and parents from being charged with using trickery to gain signatures and support.¹⁴⁴

Third, state legislators must determine how many and which structural change models should be available to parents. Today, the seven Parent Trigger Laws all include at least one

¹³⁸ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

¹³⁹ *Adequate Yearly Progress*, *supra* note 17.

¹⁴⁰ *The Radical School Reform You've Never Heard Of*, WALL ST. J (Nov. 13, 2010), <http://online.wsj.com/article/SB10001424052748704462704575609781273579228.html>.

¹⁴¹ *Getting Started*, PARENT REVOLUTION, <http://parentrevolution.org/content/getting-started>.

¹⁴² *Id.*; see *Diaz v. Adelanto School District*, CIVVS 1201650 (Civ. 2012).

¹⁴³ *A Better Parent Trigger*, LOS ANGELES TIMES (Jan. 29, 2011), <http://articles.latimes.com/2011/jan/29/opinion/la-ed-trigger-20110129>.

¹⁴⁴ Ben Boychuk, *Triggering School Reform in California*, CITY JOURNAL (Mar. 3, 2011), <http://www.city-journal.org/2011/eon0303bb.html>.

intervention method provided under NCLB.¹⁴⁵ Parent Revolution suggests that all the intervention methods provided under NCLB should be incorporated into Parent Trigger Laws.¹⁴⁶ The advantage of multiple models allows parents to fully use their knowledge of the students and community. Specifically, by providing a number of structural changes, parents will be able to select the model that most closely targets the areas of concern unique to their school.¹⁴⁷

The final and most important provision of Parent Trigger Laws is the level of involvement from parents and the school district required to implement structural change. Two California cases, *McKinley Elementary in Compton Unified* and *Diaz v. Adelanto School District* suggest that the intervention method selected by parents should be binding on a school district.¹⁴⁸ Parent Trigger Laws that include a binding element will prevent school districts from avoiding their role under the legislation.¹⁴⁹ However, the school districts, as experts in education, should work together with parents during the implementation process.

In *McKinley Elementary in Compton Unified* the California court dealt with the first parent trigger and revealed that the school district could avoid their responsibility under the California Parent Trigger Law due to a technical error.¹⁵⁰ In this case, McKinley Elementary was in the bottom ten percent of schools in California, which granted parents power under the state's Parent Trigger Law to spark structural change with a vote of fifty-one percent.¹⁵¹ A petition was signed by over sixty-one percent of parents and sent to Compton Unified School District.¹⁵² Additionally, the petition specified the structural change model to be implemented as the restart

¹⁴⁵ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

¹⁴⁶ See generally *Model Legislation*, *supra* note 6.

¹⁴⁷ *Id.*

¹⁴⁸ *Diaz v. Adelanto School District*, CIVVS 1201650 (Cal. Super. Ct. 2012).

¹⁴⁹ *Id.*

¹⁵⁰ Office of the Superintendent, *Board Findings and Action Regarding December 7, 2010 Petition Submitted By Parent Revolution*, COMPTON UNIFIED SCHOOL DISTRICT (Feb. 22, 2011), http://heartland.org/sites/all/modules/custom/heartland_migration/files/pdfs/29468.pdf.

¹⁵¹ *McKinley Elementary*, PARENT REVOLUTION, <http://parentrevolution.org/content/mckinley-elementary>.

¹⁵² *Id.*

model to turn the struggling elementary school into a charter school run by Celerity, a high-performing organization whose charter schools were ranked in the top twenty percent of schools statewide.¹⁵³ Upon receiving the petition, Compton Unified School District voted unanimously to reject the petition on the grounds that it did not comply with five state board regulations.¹⁵⁴ Specifically, the petition, according to the district, did not comply with the regulations that require a description of the intervention method, a petition heading, evidence of a rigorous review process, that the petition be dated, and inclusion of an affirmation.¹⁵⁵ The District's denial raised the issue of whether denial based on failure to date the form was sufficient to reject the parent's petition.¹⁵⁶ The "[c]ourt upheld the District's denial of the petition finding that the denial was based on substantial evidence and was not arbitrary or capricious."¹⁵⁷

In *Diaz v. Adelanto School District*, parents at Desert Trails Elementary School in California submitted the second parent trigger and the court supported the state's Parent Trigger Law.¹⁵⁸ Desert Trails Elementary School was classified as a failing school for six years and ranked last among the elementary schools in Adelanto School District.¹⁵⁹ With annual academic achievement statistics continuing to decrease each year, the parents of Desert Trails Elementary School gathered seventy percent of its parents' signatures indicating support for two petitions to be submitted to the Adelanto School District.¹⁶⁰ The first petition included a list of demands and improvements to be made.¹⁶¹ The second petition called for the restart model to be implemented

¹⁵³ *Id.*; Teresa Watanabe, *Compton School Board Rejects Parent Trigger Effort*, LOS ANGELES TIMES (Feb. 23, 2011), <http://articles.latimes.com/2011/feb/23/local/la-me-0223-compton-school-20110223>

¹⁵⁴ Office of the Superintendent, *supra* note 149.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Diaz*, CIVVS 1201650.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

and for the school to be converted to a charter school.¹⁶² Before Parent Revolution and active parents began to collect signatures, efforts were undertaken to ensure the petition was signed in compliance with the regulations.¹⁶³ The petition was submitted to Adelanto School District and the Board found that 218 signatures could not be counted, which reduced the amount of parent signatures to thirty-seven percent.¹⁶⁴ Thus, the petition no longer complied with the fifty-one percent requirement and the Board approved the District's recommendation that the petition be denied.¹⁶⁵ The parents persisted, and they resubmitted the petition with the appropriate alterations.¹⁶⁶ The Board again approved the Districts' recommendation that the petition be denied.¹⁶⁷ The Board's second denial of the petition caused the parents to file a writ of mandamus, which would allow the court to order the Board to implement the restart model pursuant to the state's Parent Trigger Law.¹⁶⁸

The court granted the order for writ of mandate, recognizing that the district improperly refused to count 97 parent signatures. In addition, the court found that the District and Board rejection based on requests from parents to subsequently revoke their signatures was unfounded since the petition was not misleading.¹⁶⁹ The court set parameters, based on the Education Code, which specified that when a District and Board evaluate signatures, they are expressly limited to acts to verify signatures, and do not have the authority to reject subsequently revoked signatures.¹⁷⁰ Importantly, the court stated that the Parent Trigger Law imposes a mandatory duty on the District to implement the model requested by parents, and furthermore, the district cannot

¹⁶² *Id.*

¹⁶³ *Diaz*, CIVVS 1201650.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Diaz*, CIVVS 1201650.

¹⁷⁰ *Id.*

“disregard this mandatory duty because in their judgment, converting the school into a charter school is unwise, inappropriate, or unpopular.”¹⁷¹

These two cases illustrate that even when a Parent Trigger Law grants parents the power to select and force a school district to implement an intervention model, a school district can easily avoid it by asserting that procedural errors preclude the acceptance of the petition.¹⁷² Therefore, Parent Trigger Laws should grant parents the power to transformer an underachieving school to prevent avoidance by the school district and allow parents to seek a judicial remedy if a school district refuses to comply with the parents’ petition.

Once an intervention model is chosen and the district begins to implement the structural change, Parent Trigger Laws should provide an opportunity for parents, educational experts, and government entities to be involved during implementation of the request structural change. The use of individuals with diverse background and knowledge will thwart the critiques of both parents and the school district, since the pitfalls of each are balanced out by the other.¹⁷³ Further, California's Parent Trigger Law provides an example of how parents and the school district can work together by dividing the implementation process into steps.¹⁷⁴ For example, under the restart model parents are given the ability to select the charter school, but power is given back to the government entity to "contract with the provider."¹⁷⁵ If the parents fail to select a provider, then government entity can solicit proposals and select a provider themselves.¹⁷⁶ This balance ensures the knowledge of parents and the school districts are being utilized to create the best outcome for the schools and students.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *See* 5 § 34-1 (2011).

¹⁷⁴ EDUC. ART. 3

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

Parent Trigger Laws' four major provisions help to negate many of the critiques raised when they were first adopted, while also furthering the goals of increased parent involvement and academic achievement. However, not all of the seven Parent Trigger Laws include the more specific requirements necessary.¹⁷⁷ For example, in Connecticut the parents are not granted power, creating a diluted version of the Parent Trigger Law that will not live up to the original goals. In order for Parent Trigger Laws to gain recognition for their ability to be successful states will have to ensure each provision is tailored for success.

III. CONCLUSION

The education gaps based on race and socioeconomic status are prevalent today, proving the inability of current federal and state legislation to provide adequate intervention.¹⁷⁸ Parent Revolution, unable to accept these education gaps, formulated innovative legislation, aptly coined the Parent Trigger Law.¹⁷⁹ The Parent Trigger Law, in its original form, grants power to parents to increase academic achievement in underperforming schools.¹⁸⁰ The original Parent Trigger Law, presented by Parent Revolution, was quickly adopted and conformed to meet the needs of seven states; the most influential Parent Trigger Law was adopted in California.¹⁸¹

Parent Trigger Laws come with high expectation and will meet these expectations due to their unique nature, which empowers parents.¹⁸² Parents are unique because of their two strengths that are not found within government agencies. The first is the parent's community awareness and ability to see the daily struggles of their children in the education system.¹⁸³ The

¹⁷⁷ See generally Nat'l Conf. of St. Legislatures, *supra* note 4.

¹⁷⁸ Table 144.5, *supra* note 33; Table 127.5, *supra* note 33.

¹⁷⁹ See generally *Our Agenda*, PARENT REVOLUTION, <http://parentrevolution.org/>.

¹⁸⁰ *Id.*

¹⁸¹ NAT'L CONF. OF ST. LEGISLATURES, *supra* note 4.

¹⁸² See generally *Model Legislation*, *supra* note 6.

¹⁸³ See generally Evans, *supra* note 7.

second is the parents their shield form bureaucracy.¹⁸⁴ These strengths allow parents to impose intervention methods on underachieving schools that would otherwise continue to struggle academically due to state waivers and the bureaucratic nature of school districts. Therefore, Parent Trigger Laws provide an additional opportunity for academic success in underachieving school districts by granting parents power to fight for structural change that has been proven to have a positive effect on current academic disparity.

¹⁸⁴ BROAD EDUCATION, *supra* note 95.