Report on Act 129 of 2012

Section 34; 16 V.S.A. §822a(m)

REPORT
May 5, 2014

Report/Recommendations to the House and Senate Committees on Education

Submitted by Secretary of the Agency of Education,
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Legislation

Act No. 129 of 2012

Background

The original statute creating public high school choice in Vermont, Act 150 of 2000, was codified, without significant change, as 16 V.S.A §§1621 and 1622 in 2009. In 2012, through Act 129, the statute was amended through the addition of 12 V.S.A. 822a, which, with one major change, retained virtually all provisions of prior law. Sections 1621-1622 were repealed, effective in 2013.

The significant change was to eliminate the requirement that each high school enter into a "high school choice region" with at least one other high school. This change allowed students to apply to any other public high school in the state, effective in School Year 2013 – 2014.

Legislative Reporting Requirement

Act 150 of 2000 required annual reports to the legislature until January 2008, when the requirement was eliminated. The January 2005 report, specifically required by Act 150, was the only one which provided extensive qualitative information on the implementation of high school choice.

Section 822a(m) requires the Agency of Education to "report annually in January to the senate and house committees on education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities."

Today's report supplements the brief one sent to you on January 31, 2013.

Due in part to a staffing change (the person chiefly responsible for overseeing school choice at AOE retired in April 2013) and the complete turnover of the Agency's legal staff in late 2013 and early 2014, it has not been possible to provide, in a timely way, the "qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities." It's worth noting that, in order to provide the 2005 report, the Department contracted with three UVM professors to do the extensive qualitative research.

1. Context

This report provides quantitative and qualitative information on the implementation of public high school choice in School Year 2013 – 2014 (SY14). There is limited qualitative information for SY15.

Annual reports through January 2008 provided extensive data on high school choice, including overall participation, numbers of students requesting transfers from schools and enrollment into schools and the results of those requests, and disaggregation based on grade level, gender, free and reduced price lunch (FRL), English language learners, special education, and access to technical centers. Since the reporting requirement ended in 2008, Agency data collection for school choice has been accomplished through the annual October student census, and has been limited to overall participation by students and schools, and by gender, grade level, and FRL.

Given that no annual reports were filed from 2009 – 2012, we will include some material from years prior to SY14, for comparative purposes.

Please note: **SY14** = school year ending in 2014 **NA** = Data Not Available
FRL = Eligibility for Free and Reduced Price Lunch **All Students** = all in grades 9 - 12

2. Implementation, SY2014 and Selected Prior Years

This section provides comment on data in sections A – E of the Appendix. In addition, (e) provides increases, decreases, and no change of choice students attending at schools from SY13 to SY14.

(a) Participation

Participation rose from 301 in SY13 to 370 in SY14, a 23 percent increase, the largest for a single year since SY03, the first year of implementation. Participation in SYs 10 – 12 was: 310, 304, and 298. Representing 1.3 percent of all high school students, 370 is also the largest number of students participating since the law was passed. (Although the January 2008 report stated that 379 students took part that year, a DOE review of the data, in March 2012, showed 314 students.)

During deliberations of the House Committee on Education in the spring of 2012, Department staff, when asked if opening students' choice options beyond regions would expand the numbers participating, indicated that it would be a reasonable possibility. See further comments on this question throughout this report.

(b) Gender

The data show that there have not been significant differences between levels of participation of females and males among all high school students and those who take part in choice. Within school choice participants themselves, SY14 has the largest gender gap, with females at 55 percent and males at 45.

(c) Free and Reduced Price Lunch (FRL)

As was true in earlier years, recent data show that the numbers of students from low income families take part in choice at levels similar to the number of such students in high schools overall. Among school choice students themselves, however, there is a gender difference in SY14, with 55 percent of females receiving FRL, while 45 percent of males do.

(d) Grade Level

Although we have no information with which to offer explanations, there have been differences between the number of high school students in all grades and the number taking part in school choice. While overall high school grade enrollments are similar, and gradually decline over the years, participation in choice by grade has varied significantly.

Appendix D shows, for example, that 39 percent of school choice students were in 9th grade in 2007, while 25 percent of all high school students were in that grade. In 2010, school choice 9th graders were 17 percent. And while 19 percent of school choice students were 9th graders in SY14, 27 percent of all students were in 9th grade.

(e) Attendance in Schools in SY13 and SY14: Increases, Decreases and No Change

Of 57 participating public high schools in SY14, 34 show increases in enrollment; eight show increases of five or more students, accounting for 64 enrollees, as follows:

Increase of 11: BFA-Fairfax, Champlain Valley Union, and Essex
Increase of seven: Mill River and Rutland
Increase of six: Burlington and Middlebury
Increase of five: Mt. Mansfield

Fifteen schools show decreases. All but two, Enosburg with seven and South Burlington with six, had decreases of two or less.

Eight schools show no change in participation.

3. Implementation Reported by Schools in SY14

As indicated in the January 2013 report, implementation of high school choice for the application and enrollment period for SY14 was a cooperative effort of the Department of Education and staff members in schools. While the Department provided comprehensive guidance and support, staff in local schools did the heavy lifting.

Given the legal change eliminating regions, Department guidance stressed that, while implementation would remain at the local (and former regional) level, it was clear that students and families were to be informed that "statewide" school choice was available.

It's worth noting, in relation to wider choice opportunities, that no financial support for transportation is provided; it hasn't been part of school choice since 2000.

The information in this section comes from contacts with six professionals in the field, five regional superintendents and the coordinator of the largest (former) region in the state, with 19 high schools. The Agency asked for comments on how the choice process worked for SY14, without sending a formal set of questions.

(a) Participation

What follows relates directly to the "expansion of educational opportunities" mentioned in Section 822a(m). See additional comments further in the report.

Two contacts provided information on participation in SY14. On the question of expanded school choice opportunities, one reported that seven out of 62 participants (11%) enrolled in schools beyond their former regions. Thirty-seven of the 62 participants attend two schools, reflecting a trend in school choice since the law was originally passed, with students tending to transfer to larger schools.

Another reported that, of 135 applications, 15, or 11% of the total, transferred to schools outside of the former region. This contact also indicated that 28% of applicants were waitlisted at schools of choice, and were unlikely to be accepted, and six students were unable to transfer because their schools had reached outgoing limits.

(b) Reasons for Exercising Choice

Two field contacts spoke to the question, citing academic opportunities, parents' employment, and athletics. Some families, who had paid tuition to a different district in prior years, opted for public choice, thus saving tuition costs. One commented that, with school choice opening up in SY14, some schools recruited more openly, with DVDs, brochures, and buses.

(c) Limits on Capacity to Receive Students

Two people commented that, although the Agency has, for years, provided guidelines on making these decisions (there is no formula, as there is for determining transfer limits to leave a school), decisions appear arbitrary; one school went from receiving 38 students in SY13 to receiving one in SY14. We were aware that this was a funding issue. One contact commented that, until funding for school choice is provided, schools have no incentive to "be as open as they can be."

(d) Funding

All six contacts emphasized the challenge of not receiving funds for "excess" school choice students; that is, when schools receive more students than the number who leave.

(e) School Choice without Regions

All commenters expressed support for wider school choice opportunities; three said that students weren't likely to apply to schools far beyond where they live. While one commented that materials on the AOE web site were well done, she sensed that not many students and families know about them.

(f) Timing of Process

The field contact for the former region of 19 schools wrote that this was the most challenging part of the process, saying that communication among schools has to improve. The clearest example: some schools have "incoming" lotteries right after the uniform (statutory) March 1st application deadline, creating a challenge for other schools which haven't had the opportunity to conduct lotteries related to students' first, second, and third choices.

(g) Recommendations from the Field

Funding

Reflecting prior comments on funding, two suggestions were made: that funding should be based on enrollment, rather than on residence; and that funding be provided based on a rolling average, as for technical centers.

Timing of Application and Notification Process

In addition to (f) above, the guidance director of another high school provided a specific proposal to address the timing challenges. We are reviewing this and will likely revise the December 2012 Guidance on the web site.

Determining Capacity to Receive Students

This area of school choice, significantly related to the funding issue, needs careful attention, so that all schools are operating under the same expectations.

4. Implementation Reported by Schools in SY15

Overall participation in school choice for SY15 will not be known until the October 2014 student census is available, in early 2015.

One field contact has provided the following, from the recently completed process.

Of 159 applications (an increase of 18%), 18, or 12% of the total, went to schools beyond the former region of 19 schools. Twenty-eight percent of applicants were waitlisted at schools of choice, and were unlikely to be accepted, and 11 students were unable to transfer because their schools had reached outgoing limits.

Appendix to Report on Public High School Choice

Source: Data in the Appendix come from the Agency's annual October census.

A. Participation

SY2014	370 (1.3% of all students)
SY2012	298 (.011%)
SY2010	310 (.012%)
SY2007	315 (1% of all students)

B. Gender	**All Students**	**Choice Students**
2014	F 48%	F 55%
	M 52%	M 45%
2012	F 49	F 50%
	M 51	M 50%
2010	F 49	F 54%
	M 51	M 46%
2007	F 49%	F 53%
	M 51%	M 47%

C. FRL	**All Students**	**Choice Students**	**Choice Female/Male**		**
2014	32%	29%	55%	45%	
2012	NA	32%	50%	50%	
2010	NA	25%	49%	51%	
2007	19%	16%	NA	NA	

** Percentage of FRL Choice students who are female and male

Percentage of Choice Students Receiving FRL, Female/Male

2014	Female: 32	Male: 26
2012	Female: 26	Male: 31
2010	Female: 23	Male: 27
2007	NA	NA

D. Grade	All Students	Percentage of Choice Students in Each Grade
SY14		
9th	27%	19%
10th	25%	24%
11th	25%	30%
12th	23%	26%
SY12		
9th	25%	23%
10th	25%	21%
11th	25%	28%
12th	25%	28%
SY10		
9th	26%	17%
10th	25%	24%
11th	24%	27%
12th	25%	32%
SY07		
9th	25%	39%
10th	25%	15%
11th	25%	15%
12th	25%	16%
Unknown		15%