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Demystifying the Process:

The Selection of Receiving Schools in

Intra-district Performance-based School Choice

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Demystifying the Process:

The Selection of Receiving Schools in

Intra-district Performance-based School Choice

by

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Although intra-district performance-based school choice as featured in NCLB and state laws has existed for over a decade, scant attention has been devoted to the study of how the policies and programs are operated by school districts. Policymakers and education practitioners have adopted performance-based school choice to address school achievement disparities, yet it is currently unclear if federal and state mandated choice programs are being managed with fidelity to the egalitarian design of the policy. Few researchers have examined whether these policies achieve their specified goals of increasing access to high performing schools for students residentially assigned to underperforming locations. This study utilizes a qualitative comparative case study design that contrasts school choice implementation in two large, socioeconomically, racially, and ethnically diverse school districts in the state of Texas. As the primary method of data collection, semi-structured interviews were conducted with: school district superintendents, school board members, choice program administrators, principals, community leaders, and parents. This study contributes to the school choice research literature through analyzing program operations, community influence in policy implementation, and the resulting implications for access and equity. The study concludes with policy recommendations to ensure maximum advantage to the students that school choice is designed to benefit.

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Chapter One: Introduction

The enactment of the *No Child Left Behind Act of 2001* (NCLB) marked the federal government's greatest involvement in education, a social service historically operated by state and local governments (Elmore, 2002). The act bolstered the accountability movement and articulated sweeping goals for schools: "To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind" (NCLB 115 Stat. 1425, 2002). Curriculum standards and aligned high-stakes tests were the thrust of the new federal law that also contained measures to force schools to improve through the threat of negative labels, reduced funding, the removal of faculty members, and school closure when achievement objectives were not met (Resnick, 2001; Vasquez-Heilig & Darling-Hammond, 2008).

Though vastly overshadowed by the testing mandates and performance-based controls featured in NCLB, school choice was also included as an additional accountability measure-- schools failing to meet achievement goals for two consecutive years were threatened with decreased funding as families would have an opportunity to transfer their children to higher performing in-district schools (US DOE, 2003). Such performance-based school choice transfers were designed to emancipate students from their residentially- assigned, academically underperforming schools.

There was little challenge to the integration of school choice into the new federal mandate as many states had previously enacted similar open-enrollment policies prior to the passage of NCLB. Currently, all but four states, Alabama, Maryland, North Carolina, and Virginia have public school choice policies that generally can be differentiated by

target audience of students and whether districts are permitted to participate on a voluntary or involuntary basis (Heritage Foundation, 2012). Interestingly, Colorado, Georgia, Ohio, and eleven other states operate education policies specifically mirroring the federal requirement for performance-based school choice (ECS, 2011), in which students in low performing schools are given the right through the state to transfer to a higher performing school. Although there is some variation regarding intra and inter-district implementation, the laws in these fourteen states doubly ensure that school districts provide options to attend higher performing schools for students who are residentially assigned to academically unacceptable locations.

Although performance-based school choice as featured in NCLB and state law has existed for over a decade, scant attention has been devoted to the study of how the policies and programs are operated by school districts. Indeed, while policymakers and education practitioners have adopted performance-based school choice to address school achievement disparities, it is currently unclear if federal and state mandated choice programs are being managed with fidelity to the egalitarian design of the policy. Few researchers have examined either state or federal-level performance based choice policies, and few have ascertained whether these policies achieve their specified goals of increasing access to high performing schools for students assigned to struggling schools.

Demographics, School Performance and Choice

Differences in academic achievement between students zoned to underperforming and high-achieving schools are clearly and immediately observable (Hochschild & Scovronick, 2003). Additionally, and unsurprisingly, the nation's underperforming

schools are disproportionately attended by economically disadvantaged and racial/ethnic minority populations (Rothwell, 2012). State exam trends reflect this pattern. Currently, the average low-income student attends a school scoring at the 42nd percentile on state tests, compared to that of their middle-to-high income peers whose schools attain at the 61st percentile (Rothwell, 2012). Matters are even more concerning for the nation's racial and ethnic minorities as a school attended by the average Black or Latino student scores at the 37th and 41st percentiles, respectively (Rothwell, 2012).

New demographic statistics concerning racial and class concentration provide additional support for school choice. Recent census trends indicate that communities are increasingly comprised of populations from similar economic and racial/ethnic backgrounds. The population of Americans residing in census tracts with a poverty rate of 20 percent or greater has reached sixty-seven million, approximately 22 percent of the nation's total population (DeNavas-Walt, C., Proctor, B.D., & Smith, J.C., 2012). Racial concentrations remain an entrenched vestige of the nation's discriminatory housing legacy. Recent reports describe that the average White citizen resides in a neighborhood that is 75 percent White (Logan, 2011). The opposite is true for minorities who have self-segregation rates much lower than Whites. The average Black and Latino citizen resides in a neighborhood that is 45 percent and 46 percent, respectively, comprised of their race (Logan, 2011). This finding notes that Whites continually to reside in locales primarily comprised of other Whites. These trends have obvious and detrimental implications for the nation's schools, which, too, are becoming increasingly comprised of students from similar economic and racial/ethnic backgrounds.

School choice has been touted as a solution for students residentially assigned to under-achieving schools, a considerable number of which are located in property-poor, economically and racially segregated communities. Local capacity to raise tax revenue needed to adequately fund schools is a continually pressing issue for school districts in economically disadvantaged areas. Many inner city and stressed-suburban school districts struggle to gain adequate funding from property taxes as they contain large amounts of comparatively low-valued residential, industrial and commercial properties in their districts (Dreier, Mollenkopf & Swanstrom, 2004). The result is that many property-poor districts contend with the additional difficulty to fund capital projects and attract competitive prospective employees in comparison to their affluent neighboring communities. This scenario often results in a lower quality provision of public education for students residing in these areas as seen in part by the previously noted state exam achievement rates.

School Choice as a Panacea

Section 116 of NCLB establishes that school districts must provide school choice to students from underperforming schools. The section clearly acknowledges the inequitable provision of a high quality education for low-income students by specifically requiring that school districts target their efforts at the lowest achieving students from the most economically disadvantaged communities (NCLB 115 Stat. 1425, 2002). The concept of school choice transfers remains popular with groups on both sides of the political spectrum. Studies indicate that progressives and conservatives alike approve of increased parental choice in selecting a school of attendance, although conservatives

champion much of the current debate (Hochschild & Scovronick 2003). Groups supporting school choice have varied preferences for the use of the policy. While some populations generally favor transfers to high performing public schools others seek the ability to enroll students in private schools using public education funds. Despite the desired method, the ability to select a school of attendance reflects a rhetorically compelling value on liberation from poorly performing, assigned schools.

Performance-based school choice as seen in NCLB is intended to achieve two primary goals: grant under-privileged students at academically struggling schools access to higher performing schools and increase pressure on failing schools to improve through fear of diminished enrollment and funding (Hastings & Weinstein, 2008). Proponents of school choice and its market-oriented principles believe that successful implementation would foster a beneficial competition between schools, innovative schooling practices, and increased access to better schools (Chapman & Gonzalez, 2011). Furthermore, a formidable network of public policy organizations such as the Heritage Foundation and the Alliance for School Choice actively work to influence public support as well as federal, state, and local policy favoring increased school choice.

As outlined in NCLB, competition between schools is intended to increase educational quality for all students (Rand, 2008). However, the competition component of NCLB is particularly applicable the low-achieving schools most affected by accountability. Scholars have built on Milton Friedman's 1955 advocacy of choice in education, specifically the use of vouchers, in research supporting the increased quality through competition. The premise of this accountability function is that by removing the

near- government monopoly over schooling, both public and alternate educational institutions will become more effective as they compete against each other in the marketplace for students (O'Neil, 2003). Friedman and later supporters argue that lower performing schools would naturally engage in activities to increase their quality as they risk losing students and funding which would eventually lead to schools being shuttered (Chapman & Gonzalez, 2011). Other studies also support this notion. Research employing a productivity framework in which production is measured by student achievement per dollar finds that increased competition between private, charter, and traditional public schools will likely improve the quality and productivity of low-performing schools (Hoxby, 2003).

Policy limitations. Whether designed to integrate students, empower families, or increase access and opportunity, families interested in school choice often encounter difficulty in participating in school choice programs. Reports indicate that over six million students were eligible for school choice in the 2004-05 school year (U.S. DOE, 2008). Amazingly, the participation rate for these programs only amounts to roughly one percent (U.S. DOE, 2008). The report also indicates that 37 percent of high poverty schools served students eligible for performance-based school choice, this rate compares to just 5 percent of low-poverty schools. Additionally, schools with high minority student enrollment were disproportionality required to offer school choice (U.S. DOE, 2008). Perhaps more problematic, research indicates that nearly 30 percent of districts required to offer NCLB school choice did not inform parents about availability of transfer options prior to the beginning of the 2004-05 school year. This finding is particularly troubling as

the basic need to inform families of their ability to take advantage of choice options directly affects participation rates.

There is a limited amount of information about why school choice participation rates are severely low. However, several studies have attempted to identify factors limiting families' exercise of choice programs. Research has indicated that availability of easily consumable information regarding school performance and choice is essential for increased participation rates. Researchers found that transfer requests to high performing schools increased notably when direct and clear school test score information was presented to families (Hastings & Weinstein, 2008). Some authors also address additional socioeconomic considerations such as access, or lack thereof, to reliable and convenient transportation as a limiting factor influencing which families are able to participate in school choice (Linn & Welner, 2007). Studies also convey that even when school performance and transfer program information is more accessible, high levels of disinterest may remain due to limited options to attend truly higher-performing schools (Hastings & Weistein, 2008). This is particularly true in communities served by school districts where families can only choose between several relatively under-achieving schools (U.S. DOE, 2008).

Research also explains that low-participation rates may also be attributable to a perceived lack of community for students transferring into higher performing schools (Cullen et al., 2006). Perhaps reflecting this concept, students who win admission lotteries to high-achieving schools are frequently ranked lower in class rankings and have a comparatively higher likelihood of dropping out. Despite the various factors limiting

participation in school choice, current trends are concerning for those exercising school transfers. Studies indicate that families from more privileged backgrounds are better able to navigate transfer programs due to beneficial social networks and access to information (Goldring & Phillips, 2008). Interestingly, districts offering choice have observed that students of color attend their assigned school at rates higher than that of Whites who tend to pursue transfers to schools with higher White enrollment (Linn & Welner, 2007). Further reflecting the inequitable outcomes of decision making on school choice it appears that less-educated, lower-income parents consistently make less advantageous transfer decisions for their children in comparison to those with higher incomes (Rosenbloom, 2010).

Limitations of the Literature

Despite speculation, there has been little research done on the implementation of performance-based choice policies in understanding how these policies are operated in the nation's Local Education Agencies (LEAs). Indeed, there is very little information available on the strategies used by school districts in their management of performance-based school choice programs. While it is fully possible that districts operate performance-based choice with much devotion to equity and access, it is possible that the alternative could be true in some LEAs. For a variety of reasons, districts may engage in practices that create a less-attractive supply of receiving school sites to which students may transfer. Although established research identifies limited transfer options as a constraint to school choice participation, few studies have documented organizational

practices of districts that may promote or inhibit the goals of performance-based choice programs.

It remains unclear if performance-based school choice has the ability to fulfill its promise due to the inclinations and actions of district leaders and staff members responsible for managing performance-based transfers. With no information available concerning the preferences of LEA staff, it is unknown if these influential individuals desire to maintain the status quo of often inequitable residential school assignment. In this instance, efforts may be taken to appease influential community members who could possibly oppose high levels of transfers of disadvantaged students into higher performing schools. Alternatively, it is possible that district staff members could disregard community disapproval of choice transfers, if existent, and fully embrace the equity-minded design of federal and state choice policy mandates. Still, the degree to which students have access to higher-performing schools and what factors shape the receiving school selection process due to the beliefs and values of LEA staff is generally unknown.

A limited amount of research has addressed several key contextual factors associated with performance-based choice implementation that have major implications for increased equity and access to high performing schools. Little research has focused on high-enrollment, socioeconomically and racially diverse, school districts with many in-district options for schools of attendance. This particular gap in the literature displays the need for performance-based choice research in districts with many possible options for student transfers. This often overlooked aspect is essential in the case that limited transfer opportunities exist and are not the result of limited options as is the case in many school

districts across the nation. Rather, if present, limited choice in these districts may be derived from decision-making where schools are classified as non-options for student transfers for a litany of logistical, social and/or political motives.

Few studies have been centered on the role of geographic and spatial factors as possible obstacles to participating in performance transfers. Although familial access to transportation has been included in previous school choice participation studies, a scant amount of work has highlighted the role of geographic location of receiving schools. Specifically, little is known about the measurable distances between the homes of students eligible for choice transfers and the receiving school options provided by their LEA. Additionally, traffic patterns, trip chaining, and parental employment locations have not been heavily included in previous studies of performance-based choice. The existing spatial-mismatches between the residences of choice-eligible students and high performing schools further complicates the ability of performance-based school choice to increase access to better schooling experiences.

Additional voids in the literature are found in the lack of study of the influence of community members, especially those with high levels of social and political clout, in the receiving school selection process. The lack of information on this subject limits the understanding of how outside groups may determine the effectiveness of school choice initiatives. Finally, there is a deficit of analyses establishing direct connections between the implications of receiving school selection methods on access, equity, and opportunity for students residentially assigned to underperforming schools.

Problem Statement & Significance of the Study

This study contributes to the body of knowledge on school choice programs by exploring the practices used to select receiving schools within implementation of performance-based intra-district school choice. There is an acute need for additional insight into the practices of those responsible for managing federal and state mandated school choice to determine whether performance-based school choice can actually fulfill the promise of increased access to high performing schools. This study enlarges the knowledge base through identifying and analyzing community influence and other factors considered in the decision-making process.

There is potential for this study to improve current strategies and practices of selecting schools in the operation of performance-based school choice. Outcomes from the study may motivate school districts similar to the selected research sites in size, economics, and student composition to revisit their implementation procedures to ensure maximum benefit to the students the policy is designed to benefit. At the state governance level, this exploration of receiving school selection may prompt education officials to consider establishing guiding principles to ensure that school districts are managing choice programs in an efficacious manner.

Research Questions

The following questions will be posed to fulfill the mission of this study:

1. How do school district officials (policy directors, leadership team) implement performance-based intra-district school choice policies?
    1a. What factors are taken into consideration, i.e. student demographics, spatial elements, anticipated participation, etc., in generating the supply of receiving schools?

1b. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to districts' schools as a whole?

1c. How do groups outside of district staff influence the selection decisions?

2. What are the implications of performance-based school choice policy for access, equity, and opportunity?

Several theoretical frameworks are well suited for application to this study. Stone's (1980) Systemic Power framework was principally applied to analyze the receiving school selection process. Situated at the nexus of political science, economics, and sociology, Stone offers a theoretical lens that addresses the often-concealed influences on community decision-making. The primary tenets of Systemic Power suggest that the existing socioeconomic structure prompts public figures to craft policy and procedures that benefit some groups while disadvantaging others. Moreover, Stone (1980) suggests that policymakers' need for access to the vast financial, social, and political resources of the wealthy results in less beneficial policy outcomes for economically disadvantaged populations. The Systemic Power framework is used here to examine whether and to what extent district selections of transfer schools are influenced by these factors. This study examines how well performance-based school choice policy can serve its target population.

This exploration of the process of selecting receiving schools was completed by performing a qualitative comparative case study. Research was conducted in two school districts located in two large metropolitan regions in the state of Texas. Each district serves over 35,000 students from diverse racial, ethnic, and socioeconomic backgrounds.

The selected school districts were chosen based on their location and current operation of performance-based intra-district school choice due to accountability ratings at the high school level. Qualitative data was collected through semi-structured interviews with key stakeholders within the districts. Access to district superintendents, board members, district program managers, policy officials and school principals was sought to obtain the desired perspectives needed to collect data.

Conclusion

The re-emergence of school choice in the current accountability structure has been upheld as a potential solution to address the ongoing, uneven provision of quality education in America. The current lack of federal and state guidelines for the selection of receiving schools prompts new questions about the implementation of NCLB school choice. Moreover, the limited amount of information about community influence raises further concerns on decision making at the school district level.

Given the national experience in less-equitable outcomes from educational policymaking, the promise and potential of performance-based school choice is questionable as much of the policy's success depends on the districts' receiving school selection practices. This dissertation investigates implementation of performance-based school choice in several chapters. The following chapter serves several functions. Chapter two highlights the historical development of school choice in several of its variations. Principally, the chapter includes a review of pertinent studies of school choice as well as the theories selected for this analysis of performance-based school choice. The third chapter of this dissertation includes a description of the research methods employed

in this study. Chapters four and five contain descriptive case studies of the selected school districts' operation of school choice policies. Finally, chapter six features principal findings, a theoretical analysis, and policy recommendations.

Chapter Two: Literature Review

The purpose of this chapter is to apply existing research and academic literature toward an understanding of intra-district performance-based school choice. Specifically, this chapter provides context and establishes the need for study of the methods used by school districts to create supplies of receiving schools. The chapter is organized into four sections that examine the background and underlying assumptions of performance-based school choice policies. The first portion addresses the evolution of school choice policy, particularly exploring the way in which choice has been promoted as a means to liberate students from low performing schools. In the second section, an examination of the evolution of accountability policies, to which such choice policies are currently linked is explored. The third section reviews the existing research on the implementation of performance-based school choice. In concluding, the fourth section provides a review of the theoretical work guiding this study and establishes connections to relevant school choice implementation literature. Particular attention is paid to the tenets of the primary research framework, Systemic Power.

Section I: Development of School Choice Policy

School choice, specifically the performance-based variation of choice, has remained a popular policy tool to remedy the discrepancies in the provision of educational opportunities for students (Linn & Welner, 2007; Feinberg, Lubienski 2008). Prior to NCLB, choice policies were widely implemented in the majority of the nation's school districts and have proven popular with both politically progressive and conservative groups (Scott, 2011; DeBray-Pelot, Lubienski, & Scott, 2007). The Supreme

Court ruling in the *Zelman v. Simmons-Harris*, *2002,* case, which endorsed the use of public vouchers for private parochial schools, is one indication that choice policies, whether state-sponsored or integrated in NCLB, will continue to be used for the foreseeable future.

Efforts to expand choice began in the mid-twentieth century with the *Brown v. Board* decisions (1954, 1955). Some of the initial choice programs were deviously used to prevent school integration by providing Whites an ability to select other White schools (Scott, 2011). Since that time, federal, state, and local education policymakers have sought methods to improve the educational quality and outcomes for disadvantaged minority populations (powell, 2001; Lubienski, 2005). The ensuing decades have witnessed the innovation, acceptance, and implementation of school choice as a means of improving American education. Interestingly, school choice initiatives were often paired with diverse and occasionally competing goals, including competition, equity, and citizen empowerment.

Early choice: Markets and magnets. One of the earliest and most noted proposals surfaced around the same time as the *Brown v. Board* decisions. Famed economist Milton Friedman (1955) devised a rational-economic model of school vouchers to integrate choice within schooling. Friedman suggested that a system of vouchers families could use to educate their children at alternate school sites would increase competition between schools, thus ending low-quality education resulting from the government's monopoly in education. Friedman's and later scholars' work is heavily rooted in a marketization of education, increasing competition between all schools and

empowering families (Chubb & Moe, 1990; Hanushek & Rivkin, 2003; Hoxby, 2003; Henig & Stone, 2008).

A number of different choice policies and programs, many based on market principles, were developed in subsequent decades to deliver school choice to the American populace. Alternatively, the onset of school choice programs has also been described as an agenda pushed by political progressives. Indeed, various school reform initiatives in the second half of the twentieth century, such as alternative and magnet schools, were derived from, and supported by, stakeholders advocating more egalitarian educational options (Forman, 2005). The creation of Free Schools during the Civil Rights Era essentially served as another measure supporting increased choice in education. In addition to serving as a Civil Rights protest mechanism alternative Free Schools were also supported as school choice as they sought to improve education options and student achievement. This alternative schooling development was heavily centered upon a theme of liberating disadvantaged minority students from an educational system viewed as discriminatory and oppressive (Forman, 2005).

School choice is founded on several commonly espoused aspirations: to liberate students from low-performing schools, to empower families with schooling decisions, and to increase school quality by forcing locations to compete with other schools (Chapman & Gonzalez, 2011). The first goal, created to advance equity, has attracted support from even the most ardent political conservatives. Indeed, Supreme Court Justice Clarence Thomas evokes the words of both Frederick Douglass and the *Brown v. Board,*

1954, case in his decision in supporting the use of school choice in the 2002 *Zelman v. Simmons-Harris* case. Thomas (2002) states in the ruling that:

> Despite this Court's observation nearly fifty years ago in *Brown v. Board of Education,* that "it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education," 347 U.S. 483, 493 (1954), urban children have been forced into a system that continually fails them (Thomas concurring, 536 U.S. 1751, 2002).

A contingent of academics and political commentators, along the political spectrum, agree with Thomas' remarks on the unacceptable state of urban education and the need to provide students with an escape. Conservative organizations such as the Heritage Foundation and The Friedman Foundation for Educational Choice have sponsored research and political efforts to advance the school choice agenda. The Friedman Foundation highlights the emancipative benefit of school choice through critiquing the traditional school assignment structure. For example, the Foundation's 2012 annual report states, "It is immoral that the quality of schooling is based on the value and location of your home" (DiPerna, pg. 8, 2012). Interestingly, progressive researchers offer similar assertions in their framing of school choice as a Civil Rights issue "Thus, while choice and competition might lead to overall improvements in education, it is a moral imperative that disadvantaged families be allowed to flee failing schools for better quality options" (Lubienski, pg. 332, 2005).

Magnet schools. Beginning in the 1960s, alternative and magnet schools became popular methods of providing school choice. By the late 1970s many Free Schools were closing; magnet schools then emerged as yet another new form of educational choice. In most locations magnet schools were initially designed to achieve racial integration by

offering attractive, specialized educational curricula and programs intended to lure students from all demographics to the same school(s) (Ryan & Heise, 2002). Scholars note that the Supreme Court's decision in *Morgan v. Kerigan*, 1975, accepted magnets as an acceptable method of advancing racial balance in the nation's schools (Goldring & Smrekar, 2002). In fact, in some locations magnets also became a convenient option to avert mandatory school assignment and unpopular bussing schemes. Goldring & Smrekar (2002) then explain that magnets sought to primarily fulfill the integrationist and increased student achievement goals of school choice. Magnet schools remained popular in the ensuing decades and throughout the nineties; researchers note that enrollment demand exceeded supply in 75 percent of districts offering such programs (Blank, Levin & Steele 1996). In the 2007-08 school year over one million students were enrolled in the nation's 2,400 magnet schools (Grady& Bielick, 2010).

Expanding choice: Transfer programs and charters. Several variations of school choice flourished during the late eighties and early nineties: controlled choice, open enrollment, and inter-district choice (Ryan & Heise, 2002). Predicated on the market-based education choice model asserted by Friedman and others, these enrollment programs were purposed to increase school quality through competition. States such as Minnesota began implementing a variety of plans aimed to free students from underperforming schools, increase competition between schools, improve academic performance, and increase parental influence. In general, these choice plans allow parents to select other schools for their children to attend. Differences between the policies are observed in intended- target audiences, voluntary/involuntary district participation, and

whether students are allowed to attend schools outside of their LEA. As of the 2007-2008 school year, nearly 48 percent of districts have some form of these school choice programs (Grady & Bielick, 2010).

Charters. By the early 1990s charter schools gained popularity and multiplied exponentially. Charters are defined as publicly funded schools permitted to operate semi-autonomously with permission from state or local governing entities (Zimmer et al. in Berends et al., 2011; Hoffman, 2008). Currently, over forty states have passed charter legislation, yet charters serve only 2 percent of the nation's students (Hoffman, 2008). Charter schools rapidly expanded operation throughout the nineties. Ryan and Heise (2002) note that the first school was opened in Minnesota in1992; by 1996 there were over 175 operating in seventeen states, and by the close of the century there were 2,000 charter schools in thirty-four states. Amazingly, this number increased to over 5,200 schools in nearly forty states by the 2010-2011 school year (NCES, 2012). Charter schools attracted high levels of support and criticism upon their inception. Proponents claim that the increased flexibility in charter schools allows schools to pursue more innovative educational methods resulting in increased student achievement and parental engagement (Chapman & Gonzalez, 2011; Hochschild & Scovronick, 2003; Lubienski, 2003). Opponents have argued that charters frequently lead to 'cream-skimming' of the best students, financial leakages from general public school funding, and increased segregation (Zimmer et al. in Berends et al. 2011; Preston et al. 2012; Ryan & Heise 2002). Charter schools remain a popular option to both liberate students from low

performing schools, which forces schools to improve through competition, and raise student test scores.

Performance-based school choice. Within the past decade performance-based intra-district school choice has emerged as a prominent model for achieving the varied goals of school choice. The *No Child Left Behind Act of 2001* (NCLB) provides for performance-based choice as a method for students assigned to low performing schools not meeting AYP (adequate yearly progress) goals for two consecutive years to transfer to a higher performing school, usually within their own district. Although integrated in NCLB, similar transfer programs based on school academic achievement status have been adopted in thirty-four states as of 2008 (Phillips, Hausman, Larsen in Berends et al., 2011). This particular form of school choice uniquely achieves many of the stated goals of choice: stimulating competition between schools, increasing family decision-making, and liberating students from underperforming schools. The last goal mentioned is vital as federal and state policies now provide that students residentially zoned to low achieving schools have an avenue to relocate to higher-performing locations in their districts. This notion marks a reinvigoration of previous equity-minded reforms. Indeed, this policy embodies some of the unique policy tensions of the current era as the Obama administration has emphasized greater educational opportunities while simultaneously embracing market-based neoliberal reform strategies (Giroux, 2009 in Scott, 2011). Although studies of performance-based choice are emergent, relatively little research has been done on the implementation of these policies throughout the states.

Stratification: The impetus for emancipatory school choice. Calls for emancipation from perpetually underachieving schools have been heeded by federal, state and local policymakers' adoption and expansion of a variety of school choice programs. The perplexing coalition of conservative think tanks, civil rights groups, education researchers and families has been successful in advocating for increased choice and shaping the education policy agenda (Scott, 2011). The desire to increase access to higher performing schools for disadvantaged youth, primarily racial minorities, is rooted in the stratified structure of the nation's metropolitan regions. Groups primarily interested in the school liberation features of choice initiatives have constructed their arguments around the notion that educational and life outcomes for disadvantaged urban youth will be vastly improved by attending better schools, the majority of which are located outside of their communities.

As of 2008 approximately 35 percent of Black and 43 percent of Latino students attending public schools are enrolled in intensely segregated school settings (Siegel-Hawley, Frankenberg 2012). These schools are generally less affluent than primarily White locations. On average, 32 percent of students are eligible for free/reduced priced lunch (FRL) when Black student enrollment approaches 75 percent (Harwell & LaBeoff, 2010). Average FRL rates amount to less than four percent at schools that are 75 percent or more White. These trends are of immense concern and bear great importance on the educational and life outcomes for less affluent minority youth. Historic and persistent patterns of racial/ethnic and socioeconomic stratification heavily determines where families chose to reside, thus the schools their students attend. Powell (2001) describes

this notion in stating, “Housing and school segregation are inextricably linked”. A brief review of past housing and education public policy explains the construction of disadvantaged communities and the rationale for better educational opportunity outside of such neighborhoods.

Historic segregation. Scholars have observed that dramatic racial segregation is a relatively new historic pattern that accelerated decades after Reconstruction. Specifically, African Americans generally resided in locations proximal to the Whites to whom they were employed (Massey & Denton, 1993). Beginning in the late 1800s and the ensuing decades, segregation of people of color, especially African Americans, spread virally in the Jim Crow era. By 1910 cities across the nation began mandating settlement patterns by writing them into local legal codes and restrictive residential covenants resulting in the creation of homogenously settled neighborhoods (Massey & Denton, 1993). Some of these extremely segregated communities still exist in the modern era; examples include Harlem in New York City and Watts in Los Angeles. State sponsored separation of the races further reinforced policy decisions that purposely reserved higher quantities and better quality public goods and services primarily for the White population.

By the end of World War I public officials, opportunistic banks, and real-estate agents colluded to double-down on segregation through deleterious residential policies. In addition to the use of the neighborhood covenants that banned home sales to minorities, new tactics emerged to maintain *favorable* communities. Real-estate agents engaged in blockbusting, a practice of stoking fears of invading minorities among White

populations, to drive White flight and expedient home sales (Massey & Denton, 1993). This boondoggle doubly benefited real-estate agents as White residents could employ their services to sell and purchase homes. Such practices would persist for decades.

Housing discrimination. Dramatic shifts in housing patterns were observed in the post-World War II era. Massey & Denton (1993) describe how years of savings and pent-up housing demand led to an in explosion home construction, especially in nascent suburban communities. Moreover, the Home Owners Loan Corporation (HOLC) offered low-interest financing loan programs to facilitate the new home sales (powell, 1997). Federal provision of educational and housing subsidies to veterans and later the general public laid a foundation for the amassing of great wealth. Increasingly better educated Whites now had access to many opportunities to invest in real-estate properties primed to dramatically appreciate over time (powell, 2003).

The majority of such benefits symbolic of the American Dream were disproportionately provided to Whites at the expense of ethnic minorities (Orfield, 2002). Additionally, the use of other discriminatory housing practices such as red-lining, a community mapping scheme that ensured that home loans were denied in communities of color, further prevented minorities from acquiring more valuable properties (powell, 1997). With federally insured home loans being nearly impossible to secure, minorities were consigned to live in less desirable areas of cities. This system, partly due to Whites colluding to maintain segregated neighborhoods, effectively prevented most minorities from building generational wealth via real-estate investment (powell, 1997). Following the *Brown v. Board* (1954) decision legally ending the segregation of schools, the *Green*

v. Board (1968) and *Swann v. Board* (1971) Supreme Court decisions directly addressed the slow pace of school desegregation (Green v. Board, 1968; Swann v. Board, 1971). The decisions established policies to advance racial balance in schools and promote integration bussing which further alarmed the nation's White populace and exacerbated out-migration from urban areas. This expedient and dramatic transformation of once prosperous White communities into less-resourced and occasionally crime-ridden communities of color reinforced the self-fulfilling prophecy that persistently fuels White flight (Orfield, 2002).

Urban decay. Urban residents, namely African Americans, continually faced incredible difficulty in relocating to suburbs and their emergent employment centers (Meyer, 1968). Due to residential discrimination for non-Whites, low income Whites were better able to follow their jobs to the suburbs and if not, they had access to residential locations with accessible public transit (Meyer, 1968). The accelerated abandonment of central cities left many neighborhoods desolate, beginning extended periods of urban decay. In many contexts, urban residents found themselves isolated on islands of economic depression surrounded by wealthy suburbs with comparatively more desirable occupations and higher quality public goods and services (Dreier, Mollenkopf & Swanstom, 2004). With urban desolation persisting, societal strife emerged due to increasingly harsh economic conditions in inner cities. The Civil Rights Era of the 1960s witnessed many social protests as well as outbreaks of urban riots. During this period cities such as Los Angeles, Newark, and Detroit were rocked by violent outburst that left

dozens dead and caused tens of millions of dollars in damage (Postrel, 2004; Orfield, 1988).

Many of the uprisings occurred within the inner-city communities already experiencing population and economic decline, which lead to an acceleration middle class Black and White flight from cities (PBS, 2009). Black populations with the means to escape troubled urban communities did so at a rate similar to that of Whites (Drier et al., 2004). These population shifts deeply affected urban jurisdictions. City coffers and political power waned, resulting in an increased inability for city governments to offer high quality public goods and services. Furthermore, the growth of suburbs coincided with the depletion of jobs from urban cores as well as an economic transition from manufacturing to commercial services (Holzer, 1991). The hollowing out of manufacturing and low-skill industrial jobs had deleterious implications for the remaining urban residents, many of whom found themselves far removed from the high standard of living enjoyed in affluent suburbs.

Spatial mismatch. Along with desirable public goods, political attention, and quality transportation options, many desirable jobs were relocated to the wealthy White suburbs, further disadvantaging the remaining residents of urban communities (Hellerstein et al., 2008). As explained in his Spatial Mismatch Hypothesis, Kain (1968) notes the incredible rates of job depletion from central business districts and city cores experienced throughout the fifties and sixties. During this period the nation's thirty-nine largest metro areas lost 24.3 percent of jobs located in central business districts (CBD) while the emergent suburban areas encircling CDBs experienced a 130.4 percent increase

in positions (Kain, 1968). Not only were urban residents enduring dilapidated housing and public goods and services, those lacking personal transportation no longer had feasible access to the desirable and higher paying jobs now located many miles away (Stoll, 2006).

These patterns resulted in a continued lack of accessible, desirable occupations, decent public transportation, and parity in housing selection that has continually repressed social mobility for impoverished urban residents. Prospects for urban residents of color able to flee the city were only marginally better. To be sure, the benefits of minority suburban relocation were often muted since many of the communities were often property poor (Orfield, 2002). By the 1980s, and continuing into the current period, stratification in metro areas has resulted in poorly financed public services, substandard educational opportunities, and affordable housing located at greater distances from occupational and social centers (Drier et al., 2004). Other consequences of persistent segregation include lower levels of social cohesion and limited positive interactions with middle-class families; all of which reduce access to opportunity (Fischer, 2003). Moreover, school districts in urban communities and stressed suburbs frequently lack financial and political resources and capital when compared to the affluent suburbs relatively close in proximity (Orfield, 2002).

Growing school segregation, growing school failure. The new metropolitan context has had major repercussions for urban and stressed-suburban school districts as educational quality and student performance differences became increasingly easier to observe (Drier et al., 2004). Currently, much of the urban and stressed-suburban

population remains spatially mismatched from economic opportunity and high performing schools. Moreover, overlaying school attendance boundaries onto segregated housing patterns creates racially and socioeconomically homogenous schools. This educational context can be seen in many metro areas where there is a mismatch between less wealthy students, many attending underperforming schools, and the high achieving schools that generally serve upper-strata communities. Further, schools primarily serving poor students experience great difficulty in achieving performance rates similar to affluent locations, even when spending more money per pupil (Drier et al., 2004).

The nation's history of mandating segregated housing, denying financial support and access to valuable housing, and permitting urban decay has slowly eroded troubled urban communities and their schools. Recent reports indicate that segregation by family income rose dramatically between 1970 and 2007 (Reardon & Bischoff, 2011; Glasmeier & Farrigan, 2007; Saporito & Sohoni, 2007; Shaw, 1997). Today, the average Black or Latino student attends a school mostly comprised of students from the same race/ethnicity (Rothwell, 2011). Indeed, when considering reading test scores at the elementary level Black and Latino students generally attend schools performing 25 percentage points lower than their White and Asian peers (Logan, 2011). It is primarily these schools that have become the target of modern accountability measures. NCLB, state, and local school choice policies continue to serve as mechanisms for transferring students out of failing schools.

Section II: Accountability Policy and School Choice

The next section builds upon the previous overview of racial integration choice options through addressing how accountability policies have been developed and affect urban and stressed-suburban schools. This portion highlights notable occurrences in the decades-long construction of the current system of educational accountability. Of much importance and relevance, an explanation of how school choice was reintegrated and supported as a centerpiece of the accountability movement is included.

Early accountability. Beginning in the mid-twentieth century, the national education system experienced a "great reappraisal" or perhaps a "great condemnation" as doubts about the quality of education arose (Hartman, 2008). Attention to the increasing diversity of America's schools and the divergent student achievement patterns along social class and racial demographics fueled debates about the perceived deterioration of American public education (Hartman, 2008). Lawmakers and citizen groups clamored for solutions to the emergent educational crisis. Passage of the Elementary and Secondary Education Act in 1965 marked a noteworthy federal foray into education as part of the Johnson administration's war on poverty. Of principal importance, the legislation featured measures to improve educational access, opportunity, and outcomes for American students, especially the poor and racial/ethnic minorities (US DOE, 2012). With school choice in its infancy and not yet on the national policy agenda, these early efforts primarily centered on increasing resources to disadvantaged students. As the decades progressed, increasingly disturbing reports about the state of education surfaced, resulting in citizens questioning the quality of tax-funded public education (Popham,

2001). Furthermore, sensational exposés dramatized accounts of adolescent waywardness, violence, and sexually deviant behavior, all of which became loosely attributed to schools (Berliner & Biddle, 1995). Subsequent political benchmarks would heavily influence the nation's emergent accountability system.

A nation at risk. Concerns about the relationship between the struggling American economy and the education system inspired school reform policies throughout the late 1970s and early 1980s. Policymakers and other interested groups engineered a cunning linkage between the nation's mounting economic problems and the perceived inadequacy of public schools. Although the association between education and economic productivity was tenuous, many citizens and policymakers believed that educational reform was essential for the economic wellbeing of the nation (Toch, 1991).

The stakes were highest for under-funded, distressed school systems serving less-resourced students, as they would increasingly be compared to their affluent counterparts. The heightened attacks on education culminated in 1983 with the release of *A Nation At Risk*. The Reagan administration touted the disparaging report, which asserted that American students were losing ground in international academic comparisons, though scant empirical evidence supporting these claims was provided (Berliner & Biddle, 1995). This report and others like it accomplished the goals of the critics of public education as reproachful rhetoric established a sentiment that the country was precariously positioned due to a harrowing crisis in education. Support for public schools further diminished as public perceptions about the quality of schooling in the U.S. worsened, especially in economically disadvantaged communities. In response to these

concerns there was an expansion of minimum competency testing throughout states; a move to validate students' possession of basic skills needed for the workplace (Holme et al., 2010).

Gubernatorial influence. Federal and state action promoting increased accountability in education culminated with the 1989 Charlottesville Education Summit, sponsored by the Bush Administration and the National Governors Association. Perhaps the most noted result of the conference was the creation of six educational strategies to reform education and increase accountability. The goals ranged from increasing preparedness to enter first grade to boosting high school graduation rates (Vinovskis, 1999). Notably, the administration and governors also promoted the idea of greater assessment to measure student success. In addition to promoting safe and drug-free schools and charters, the reauthorization of ESEA in 1994 presented a dramatic advancement of federal promotion of school accountability. While prior efforts were centered on states, in this version of ESEA the federal government advanced state standards and aligned assessments along with accountability. This legislation, named Goals 2000, established a foundation for standards-based accountability (Sheppard, Hannaway & Baker, 2009). Specifically, by using an incentive-based theory of action, states were challenged to create content standards and aligned student assessments that would measure the level of success.

Within this framework student achievement was to be driven by schools that were now accountable for their assessment scores (Sheppard, Hannaway & Baker, 2009). States were encouraged to develop standards, align assessments, and to hold schools

accountable. It is important to note the events prompted a shift away from minimum competency exams, established content standards-based accountability through reliance on student assessment, and stiffened sanctions against schools and states for noncompliance (Sheppard, Hannaway & Baker, 2009). Although not directly associated, during this time, the 1990s, school choice programs such as charters and inter-district and intra-district choice were also experiencing increased political attention and implementation in districts across the nation. However, the choice policies remained generally unlinked from the accountability system and few states had enacted performance-based choice as a formal means of accountability policy.

No child left behind. Promotion of increased accountability continued throughout the late 1990s and 2000s with continued pervasive acceptance of the deficiencies within the education system. The federal government's increasingly prominent role in education reached a precipice with the bipartisan passage of the *No Child Left Behind Act of 2001*. Building on the increased accountability model, NCLB featured various sanctions for districts marred with failure as determined by students' standardized test scores. The new act presented academically struggling schools with potentially grave circumstances. Schools that did not meet or exceed adequate yearly progress (AYP) measures for two consecutive years were now threatened with faculty replacement, reconstitution, and closure (NCLB, 115 Stat. 1425, 2002).

School choice was modified to be another penalty that schools that did not meet AYP could face under NCLB. Now, schools failing to make AYP for two consecutive years on one measure have to allow students at the underachieving location to transfer to

another school(s) within the LEA (NCLB, 115 Stat. 1425, 2002). The performance-based version used the goals of schools choice, student emancipation, family empowerment, and inter-school competition, as factors to increase the quality of schools struggling to meet AYP. In a similar fashion to the early use of school choice, the adaptation of the performance-based form was facilitated by its ability to satisfy those at both ends of the political spectrum. Again, conservatives were able to embrace market features while progressives identified more opportunities for increased access to high achieving schools (Hochschild & Scovronick, 2003). Although widely available NCLB choice has had limited ability to increase access to higher-performing schools. Instead, where available, families qualifying for performance-based choice programs are often presented with the disappointing option to attend similarly low achieving schools that are marginally better performing, not failing, than the ones they are able to leave (Holme & Richards, 2009).

Section III: Performance-based school choice: What we know today.

Previous studies of school choice. School choice has been widely studied over the past several decades. Many scholars have compared programs by type, function, and varying degrees of success. Much of the extant literature has sought to explain and critique the market-based orientation and diverse goals of school choice programs. Such studies highlight the perplexing structure of school choice policies as they simultaneously aim to achieve conservative market and progressive integrationist goals (Welner, 2006). More critical studies of school choice assert that the inherent design of choice policy frequently results in a "shell game" in which parents from socioeconomically disadvantaged backgrounds perpetually seek to enroll their children in better schools

while possessing little school performance data (Chapman & Gonzalez, 2011). Similar studies have specifically focused on low program participation rates and the frequent inability of economically disadvantaged students to complete the school transfer process (Smekar, Goldring, 2006; Jennings 2010; Rosenbloom 2010; Kahlenberg 2011).

Participation in performance-based school choice programs. Recent data depicts miniscule school choice participation in NCLB for eligible student populations. Reports indicate that recent participation rates of students eligible for choice under NCLB range from a paltry .6 to 1 percent in elementary grades and .2 to .6 percent in secondary schools (US D.O.E, 2007). Interestingly, although the number of qualifying needs-improvement campuses increased dramatically, choice participation rates actually decreased each school year between 2002-2005 (Richards, Stroub, & Holme, 2011).

A number of implementation issues have been identified to explain the limited success of choice policy. In addition to communication discrepancies between districts and families, participation rates may also be depressed due to a limited supply of receiving schools in many districts (US D.O.E, 2008). Researchers have found that nearly 43 percent of schools designated as in needs-improvement are in LEAs with at least one school qualifying for performance-based transfers; the national average is approximately eight percent (Richards, Stroub, & Holme, 2011). This discovery presents the situation that students qualifying for transfers have limited options to attend markedly higher-performing schools in their districts. In fact, schools in districts with at least one qualifying school have English/math test scores that are 15 percent lower than districts containing no sending schools (Richards, Stroub, & Holme, 2011).

Participation trends also differ by race/ethnicity. Although remaining at very low levels, Whites have the highest participation rates followed by Blacks and Latinos at 1.1, .9 and .4 percent, respectively (US D.O.E, 2007). Research has also found that affluent families generally have better access to information and resources needed to make more advantageous selections of schools (Rosenbloom, 2010). The inverse is true for low-income families who often experience more difficulty accessing and acting on information. Scholars have suggested that the direct provision of receiving school test scores to all families will increase the likelihood that parents select higher scoring locations (Hastings & Weinstein, 2008). However, the authors discover that even with better access to information, the success of choice programs is dependent on the receiving school options that actors at the school district level provide. While research has illustrated low participation rates for NCLB choice, few studies exist of state level programs that are similar to these choice policies.

Gaps in the literature. The existing literature on school choice has revealed that participation rates are low and that options for receiving schools frequently are not much better than schools the students leave. Although this research is beneficial, relatively few studies exist on the implementation of performance-based policies. Specifically, there is limited documentation of school districts' organizational practices that effectively facilitate or limit the exercise of performance-based choice programs. Indeed, it is plausible that school districts invest much personnel and technological resources to ensuring that their choice transfer programs are operated with high levels of equity.

Alternatively, for a variety of reasons, some districts could engage in practices that create a less-attractive supply of receiving school sites to which students may transfer.

In addition, it is unclear if performance-based school choice has the ability to fulfill its promise due to the preferences and actions of district leaders and staff members responsible for managing performance-based transfers. With no information available concerning the preferences of LEA staff, it is unknown if these influential individuals desire to maintain the status quo of often inequitable residential school assignment. Additionally, LEA staff may take actions to appease influential community members who could possibly oppose high levels of transfers of disadvantaged students into higher performing schools. Alternatively, it is possible that district staff members could disregard community disapproval of choice transfers, if existent, and fully embrace the egalitarian design of federal and state choice policy mandates. Due to little previous study, much is unknown about the degree to which students have access to higher-performing schools and what factors shape the receiving school selection process due to the beliefs and values of LEA staff.

A limited amount of research has addressed several key contextual factors associated with performance-based choice implementation that have major implications for increased equity and access to high performing schools. First, some LEAs have a diverse set of schools in various academic performance rankings, i.e. in need of improvement and those that are not. This is not the case in all districts as there are those where nearly all schools are categorized as in need of improvement, essentially negating the use of performance-based school choice. When applicable by number and

categorization of schools, the methods used by districts to select campuses for incoming transfers are rarely studied.

Second, few studies have focused on high-enrollment, socioeconomically and racially diverse school districts with many school attendance options. The lack of information on this specific schooling context reveals the need for performance-based choice research in districts with many possible options for student transfers. In a departure from previous research, this study is centered on schooling contexts where the lack of eligible receiving schools is not an issue.

This study of performance-based intra-district school choice seeks to fill the aforementioned voids in the academic literature. Through case study research, this study will investigate choice implementation through an examination of school district leaders and staff members' decision-making and program management strategies. In addition, research objectives have been included to address employees' understanding of choice policy, particularly how the receiving site selection process impacts access to better schools for disadvantaged students. It is possible that additional themes that have previously been under-studied could emerge in the study. These topics include intra-district geographic and transportation constraints and the influence of community groups supporting and/or opposing school choice programs.

Section IV: Theoretical Framework

It is necessary to consider a wide variety of policy tools and management strategies included in NCLB school choice to determine if the measure can attain its equity-minded mission to increase access to higher performing schools. To this end, this

study draws on public policy implementation theory in considering the process by which LEAs select receiving school sites. Of particular note, specific attention is devoted to the important role of policy actors, i.e. school district program managers, have in the design and implementation of educational policy.

Actors. More recent school choice studies have gradually addressed the role of system actors within the management of student transfer initiatives. In many communities, the varied forms of school choice, whether magnet and charter schools or lottery-based intra-district school transfers, involve some level student selection. Emergent research addresses the actions of school district staff when implementing choice programs and policies. This instance has been observed as school administrators supervise varied aspects of school choice initiatives involving applications, lotteries and other selection criteria. Studies suggest that principals' personal experiences, worldviews, and social networks greatly determine how students are admitted to and exited from receiving school sites (Jennings, 2010).

To add another layer of nuance, some scholars have highlighted the importance of context in describing the resource disparities that exist between LEAs (Crowson & Goldring, 2009). Within the current accountability framework, expectations for districts and schools are maintained at high levels despite consideration of financial resources and quality of faculty and staff. This notion bears great importance as the LEA personnel responsible for effectively managing policies, such as performance-based school choice, often attempt to do so with little assistance from federal or outside groups (Crowson & Goldring, 2009). Findings from studies of LEAs institutional practices indicate that

organizational values and political considerations were often influential in the decision making process of school administrators (Spillane et al. 2002). Individuals at schools and districts have ample autonomy in managing policy. This highly localized decision making process around school choice further prompts the need to study how effectively choice policies and programs can meet their stated aims of emancipating students from underperforming schools.

The focus on public service personnel as important policy actors is deeply embedded in the theoretical foundations used in this study. Three selections have been made from public policy implementation research and are then applied to performance-based school choice. The first theoretical lens, Democratic Responsiveness, is based in political science and addresses citizens' influence on public policy by their socioeconomic level (Gilens, 2005). This model contributes to this study by addressing how the socioeconomic position of constituencies influences policy outcomes. The second model, The Zone of Mediation, offers an explanation of how cultural attitudes affect the extent of educational reforms (Oakes et al., 2005). This framework is used here to describe how culture determines the capacity of policy to serve specified groups. The final and principal theoretical component of this framework is centered on Systemic Power, a framework that considers how the socioeconomic system influences actors' political alliances and thus policy enactment and outcomes (Stone, 1980). This theoretical lens is used to identify how socioeconomics determine how populations are served by policies and whether the specified policy, in this case performance-based school choice, has the ability to achieve desired outcomes.

Democratic responsiveness. To understand the level of influence that actors maintain in the implementation of public policies such as school choice, I employ the theory of democratic responsiveness. The framework illustrates how policymakers such as school district officials tend to be more responsive to the influence of elites. Gilens (2005) quantitatively measures inequality in policymakers' responsiveness to public demands and finds a strong relationship between wealthy citizens' policy preferences and legislative/policy outcomes. Interestingly, the relationship is dramatically strengthened with increases in income level. Alternatively, low socioeconomic status citizens are found to have only a slight influence on policy enactment. A focus on finances and social capital is included when explaining that vast resources are often required to organize and form beneficial alliances with influential policy officials. Reflecting this, higher-income groups are found to have a disproportionately greater ability to configure public policy favoring the affluent. Additionally, Gilens (2005) discovers that these interactions result in an ability of wealthy citizens to influence policy outcomes through political donations and social networks at a level that dwarfs the efforts of less-resourced communities.

Democratic responsiveness to upper-strata groups presents considerable challenges for implementation of education policy, especially those that are redistributive and/or equity-focused. This notion is expressly true of accountability policy that is laden with sanctions for academic underperformance that primarily impacts schools and districts serving the less wealthy. Application of Gilens' (2005) findings would support that upper-strata citizens have the luxury of disregarding or even advocating for increased testing, school closures, and funding reductions as schools serving wealthy families are

rarely at risk of such sanctions. High-socioeconomic status communities face a paradox in considering performance-based school choice. While the exercise of market-based solutions to increase competition is tempting, the prospect of their high-achieving schools serving as receiving sites for droves of socioeconomically and racially diverse transferring students would likely cause concern in homogeneously affluent communities. Within Gilens' (2005) framework, such a scenario could result in upper-strata demand for educational policies limiting the emancipation features of performance-based intra-district school choice. Interestingly, similar policy changes to constrain the influx of under-resourced students to affluent districts and schools have been observed with the implementation of some inter-district choice plans (Lubienski, 2005).

The zone of mediation. Oakes et al. (2005) expands on the role of high-status groups in a description of educational reforms based on equitable outcomes. In supplementing the zone of tolerance literature of McGivney and Moynihan (1972), the authors construct a policy implementation framework that focuses on the active role of schools in mediating norms and political preferences while undertaking educational reform. In the Zone of Mediation, Oakes et al. (2005) explain how culture and attitudes influence how much reform will be tolerated at the local, regional, and national community levels. When applied here, culture and political attitudes are highly likely to influence the reach of redistributive reform policies as performance-based choice.

The zone of mediation literature features a particularly critical view of power dynamics within mediating institutions such as schools/districts. Education systems are described as highly structured public organizations with a defined social and political

status. Further, redistributive reforms associated with these susceptible institutions are likely to face major opposition from influential groups who maintain high levels of support for market-based accountability programs and standardized testing that both affirms their students' intellect and suppresses equity-minded educational reforms (Wells and Serna, 1996). As illustrated, reform policies designed to provide additional assistance to historically disadvantaged students are then framed by upper-strata groups as schemes to steal from hard working, responsible citizens to give handouts to the less-deserving poor. In many metropolitan contexts a school district's implementation of policy favoring the disadvantaged is then considered unlikely as it would be classified as outside of the community's cultural and political comfort zone. Consequently, limited implementation of redistributive educational policy in many communities, states, and regions, reflects the policy influence of well-resourced affluent groups.

Building on Cuban (1992), Oakes et al. (2005) included a discussion of equity-based educational reform as "third-order changes". The authors suggest that such changes have the potential to alter preconceived notions on race/ethnicity, social class, intelligence, and educability. The application of the Zone of Mediation framework to this study reveals that performance-based choice policy could potentially cause affluent groups to label such an equity-minded policy as outside of their community's zone of tolerance. These upper-strata groups are then well positioned to advocate for methods to limit the scope of performance-based choice, specifically transfers to the best schools that often serve affluent, racially homogenous student populations.

Systemic power. The Systemic Power theoretical framework integrates various strengths of the social, geographic, political, and policy implementation research highlighted in this chapter. In building on previous academic studies in sociology, Systemic Power emphasizes the role of obscure influences on community decision-making. Similar to other political-economy theories, the framework suggests that the influence of higher-status groups leads public officials to favor upper class interests at the expense of lower socioeconomic groups. Stone (1980) stresses that the structure of the nation's socioeconomic system increases public figures' dependency on the affluent to advance political agendas and ensure successful terms in office. The frequently unseen alliances constructed between policymakers and high-strata groups then results in public policies, programs and practices that disproportionately benefit the wealthy. Moreover, Stone (1980) describes that key observations can be made in public figures' treatment of policy preferences as opportunity costs. This notion suggests that officials are likely associate upper-strata interests with low opportunity costs; alternatively, the risks or opportunity costs of advocating for the impoverished are greater.

Of major importance, Stone (1980) proclaims that within the existing socioeconomic system upper-tier citizens often do not, nor need to, actively assert their influence; i.e. a boardroom of malevolent executives may not exist. Rather, public officials' dependency on the upper class leads them to inevitably advocate for the interests of the affluent and/or the influential. In further describing the prevalence of Systemic Power in public decision-making, the author suggests that the interests of upper-strata community members are well represented to due to their possession of

economic capital, esteemed social networks, and social positions/lifestyles that are highly valued in society. Further, public figures are more sensitive to desires of upper-strata citizens as they are comparatively better able to contribute to political campaigns and the betterment of the local community. Stone (1980) contrasts this description of the wealthy with lower socioeconomic groups who are often pejoratively viewed as economic dependents of the state. Interestingly, members of the middle class, the largest class demographic, are uniquely regarded as the "source of change and conflict" that must be distinctly considered as they have the numbers and influence to both challenge upper-class interests and prevent upward mobility of the poor.

Stone (1980) provides illustrations of Systemic Power in the public realm. He recounts that public figures may disregard mass opposition from citizens when approving plans for expansions of public works projects, i.e. libraries and university facilities, in lower-strata neighborhoods. The author suggests that public officials want to be associated with successful, tangible projects and will ignore the demands of lower-status groups to enhance their political positions. Moreover, public goods and services desired by upper-strata community members are less likely to be opposed by middle and upper class citizens. The inverse is true for redistributive programs serving the poor, who are often considered to be less deserving by middle and upper class groups. Programs such as renovations of public housing and urban community centers often face increased implementation difficulty as they are effortlessly and frequently considered 'magnets for the poor'.

Understanding Performance-based Choice Through the Selected Frameworks

Though rooted in public policy in general, the critical bent of the chosen frameworks can be easily transitioned to the field of education. The Democratic Responsiveness theory asserts that higher-strata individuals and groups inequitably influence legislation, policy, and programs. The Zone of Mediation literature supplements Democratic Responsiveness and suggests that institutions such as LEAs and their leaders are susceptible to the will of elites and that policies are implemented in consideration of culture and political values. Systemic Power, the principal framework used here, integrates Democratic Responsiveness and Zone of Mediation by offering that the socioeconomic system influences political alliances and processes potentially resulting in inequitable policy outcomes. The implementation of performance-based intra-district school choice rests on the notion that school district officials will actively and equitably provide students assigned to underperforming schools with opportunities to attend higher-performing schools. However, a review of existing relevant research reveals the possibility that few options to attend markedly higher-performing schools exist for students residentially assigned to low-achieving schools, many of whom are low income students of color.

Application of the Systemic Power framework would also suggest that public officials and their employees, in this case LEA leaders and staff, could hypothetically appease upper-strata populations by purposely or unintentionally engaging in practices limiting the emancipatory features of performance-based school choice. This possibility is supported as it has already been documented in inter-district choice programs

(Lubienski, 2005). Alternatively, it is possible that performance-based school choice policies are implemented with fidelity to the egalitarian design of the policy. Specifically, school district leaders and their staff members may have potentially designed choice transfer systems that: provide easily accessible information to qualifying families, have seamless registration processes, and most importantly, offer multiple options to attend the highest performing schools within the district. Further study of LEAs' receiving school selections within the implementation of NCLB school choice is desperately needed to inform the academic literature and best practices.

Conclusion. The US Department of Education has recently awarded waivers to several states to ease some of NCLB's impending punitive measures, including some alterations to the choice provisions. For example, the state of Missouri's NCLB waiver eliminates the required provision of and transportation funding for performance-based school choice (MO DOE, 2012). This is not the case for all states receiving waivers, for example, Georgia's NCLB waiver requires that the state maintain performance-based intra-district school choice. Despite this development performance-based school choice will remain in effect in states like Texas where the policy is codified in state law.

Although participation rates have remained very low, it is possible that demand for transfers to higher-performing schools may increase if schools are increasingly categorized as "in need of improvement". A considerable increase in transfer requests would likely stimulate dialogue and action in neighborhoods served by sending and receiving schools. Indeed, the prospect of increased socioeconomic and racial diversity in homogenous, upper-strata schools may prompt school district officials to respond to the

concerns of their affluent constituents. This literature review contributes to the research body through advocating for additional exploration of the uncertain process and less-visible influences associated with receiving school site selections. The findings from such studies will provide additional knowledge on whether performance-based school choice truly has potential to fulfill its promise to liberate students from underperforming schools.

Chapter Three: Methodology

This dissertation study explores the process by which school district leaders and staff select receiving school sites when implementing performance-based intra-district school choice policy. To this end, the study includes research methods designed to reveal if students residentially assigned to underachieving schools are granted access to high performing locations, a result of strategies used by school district employees. Data derived from study participants was analyzed to better understand how site selection practices effectively promote or constrain the ability of performance-based school choice to increase access and opportunity, primarily for economically disadvantaged, often minority, students zoned to underperforming locations. The study also includes a focus on how individuals and groups from local communities influence the selection process and operation of the school plans. Finally, attention was devoted to exploring the implications of school selection decisions on opportunities for increased access to high performing schools for qualifying students. The following research questions were posed to fulfill the mission of this study:

1. How do school district officials (policy directors, leadership team) implement performance-based intra-district school choice policies?
    - 1a. What factors are taken into consideration, i.e.- student demographics, spatial elements, anticipated participation, etc., in generating the supply of receiving schools?
    - 1b. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to districts' schools as a whole?
    - 1c. How do groups outside of district staff influence the selection decisions?

2. What are the implications of performance-based school choice policy for access, equity, and opportunity?

Description of Qualitative Methods

Approach. A qualitative case study research methodology was selected to conduct this study. The use of data derived from personal interactions was chosen as it fosters development of a genuine understanding of the beliefs, processes, and lived experiences of individuals, in this case managers of school choice programs (Angen, 2000). Angen (2000) also suggests that qualitative inquiry has the ability to expand comprehension of the nature of human life and its interactions. Further, qualitative data collection methods grant the researcher an ability to create highly descriptive knowledge from inter-personal communication (McMillian & Schumacher, 2006). Performing qualitative research is also considered useful for developing theory and policy as well as improving practices (Creswell, 2009). Through effective questioning, this qualitative study provided illumination on the implementation of school choice policy to gain additional insight and potentially improve current practices.

Scholars of qualitative study have highlighted the benefits of the research approach by illustrating how personal interactions allow researchers to consider the actions, beliefs and perceptions that create the realities in which individuals exist (McMillan & Schumacher, 2006). Moreover, qualitative methodologies are often credited with providing a basis for rigorous investigations of subjects and events in their natural environment which permits advanced interpretation and understanding of a given phenomenon in a specific context (Angen, 2000; Denzin & Lincoln, 1998). Several major paradigms are frequently associated with qualitative research; they include

postpositivism, critical theory and interpretivism. These research models can be distinguished by their views on the nature of reality, rationales for performing research, and methods of data collection (Willis, 2007). This qualitative study of the receiving school selection process was based on the interpretivist research paradigm.

Interpretivism. Interpretivism is predicated on two general understandings. Willis (2007) suggests that reliance on research lacking in human interactions, frequently based on basic visual and auditory observations, may result in an omission of important descriptive data. The second concept is that of relativity, which refers to the notion that reality is socially constructed from personal interactions and cultural influences. Thus, researchers employing the interpretivist paradigm prescribe to an understanding that the idea of a single universal reality is tenuous since immersion in a society causes individuals to socially construct a reality based on lived experiences. Interpretivist researchers use this understanding to suggest that it is not possible to conduct completely objective research since it is difficult for individuals to detach from a socially created reality (Willis, 2007). Interpretivism also shapes the strategies used to conduct research. This concept describes interpretivist scholars' non-adherence to positivist scientific methods as the only genuine approach to inquiry (Willis, 2007).

The interpretivist perspective holds that research is principally performed to build and reflect context-specific understandings that are not offered as universal truths (Willis, 2007). Positivist researchers have long criticized the use of interpretivist research through accounts suggesting that the paradigm advances ill defined, excessively personal, and un-generalizable research (Angen, 2000). In response, interpretivist researchers assert that

flexibility in methodology and inclusion of multiple perspectives result in true understanding of a social phenomenon (Willis, 2007). Additionally, several strategies of performing interpretive qualitative research have been used with great frequency over the last century. In the modern era, participant action, ethnographic and case research methods have emerged as leading data collection and analysis techniques in the social sciences. This qualitative study of the process used to select receiving schools was conducted using an interpretivist case study research design.

Case study research. Case studies are commonly defined as a research method designed to gather understanding of a particular social experience including personal interactions, events, and processes (Merriam, 1988). Willis (2007) explains that the case study method is based on explorations of individuals, processes and events in their natural setting. Further, case studies contain highly descriptive information gathered from sources by using personal interactions such as interviews and observations. An additional benefit of the case study method is that readers are allowed to inductively create an understanding of the specified topic in a selected site(s). Notably, interpretive case studies provide a format in which particular situations, organizations, and processes can be studied with consideration of theory(ies) (Willis, 2007). This gives case study researchers the ability to apply existing theory to their research topics, which enriches analyses of processes, events, and/or individuals. This advantage of interpretive case study research is seen here as the Systemic Power theoretical framework is applied to implementation of performance-based school choice.

Limitations of the Case Study Methodology. The case study methodology has been heavily critiqued. In a defense of case study methods, Flyyvbjerg (2004) describes that past accusations have suggested that case study research is overtly subjective, not useful for constructing theory, and is unable to establish generalizations. The last assertion is of great importance as positivist researchers associate an inability to generalize with lack of scientific rigor. Flyyvbjerg (2004) offers a compelling rebuttal of these criticisms through highlighting the important role of context within case study design. He also suggests that individuals become experts in a given field essentially through gaining advanced knowledge of highly contextual, individual cases (Flyyvbjerg, 2004). Flyyvbjerg (2004) provides an example to support his claim in stating that context-specific case studies truly are rigorous and generalizable as individuals, i.e. prospective medical doctors, essentially gain their expert knowledge through conducting case study research.

Role of the researcher. Researchers conducting interpretivist case studies are highly involved in the data collection and analysis process (McMillan & Schumacher, 2006). Unlike positivistic empirical research methods frequently seen in the natural sciences where researchers maintain detachment from the unit of study, interpretivist case studies often feature the researcher as the primary actor performing interviews, making observations, and personally inferring the data. The active role many investigators assume during the collection of interpretive case studies reflects the purpose of the methodology. For the purpose of this study, interview and primary source data was

examined to gain a genuine understanding of the core topics and to provide illumination on the relationships and patterns that influence the processes being studied.

As the primary investigator for this study I generated the interview questions, examined data sources, and facilitated interviews with school district leaders and community members. In this role I conversed with the participants to discover and analyze central themes associated with the implementation of performance-based school choice policy. Through interpretation of the interview data I identified the factors and themes influencing school district staff members' decisions about the receiving school selection process.

Research Design

Based on the multiple aforementioned strengths of the methodology, this study utilizes a comparative case study approach for data collection and analysis. To gain an understanding of the process by which receiving school sites are selected, intensive case studies were performed in the Flatlands and Lake Heights independent school districts. The first district, Flatlands ISD, was selected for several reasons. FISD is unique in many respects, most notably its operation of an open enrollment school choice policy. The district's policy serves several functions. Open enrollment school choice was originally conceived as a method to desegregate the district's schools following two court orders in the seventies and eighties. Additionally, Flatlands ISD's open enrollment school choice policy serves as a mechanism to expand access to higher performing schools for students residentially assigned to academically underachieving campuses. This performance-based school choice is a legal mandate of federal law under NCLB (2001).

The state of Texas enacted a similar measure requiring performance-based school choice that predates NCLB. Choice transfers were mandated with passage of the Public Education Grant (PEG) in 1995 (TEA, 2014). The federal and state mandates for performance-based school choice are primarily differentiated in that federal code requires that districts offer choice transfer after two consecutive years of school underperformance; the state of Texas requires choice following one year of missing accountability targets. Flatlands ISD and Lake Heights ISD each have three campuses on the Texas Education Agency's 2015-2016 list of schools required to grant PEG transfers. In addition to offering PEG transfers, Flatlands ISD also serves as an appropriate case site due to its high level of racial, ethnic, and socioeconomic diversity. The combination of utilization of performance-based school choice policy and diversity meets the mission of this study by providing a demographically and policy rich context.

Lake Heights ISD similarly serves as an appropriate case site for research on the strategies used by school districts to generate a supply of receiving schools. The Lake Heights Independent School District offers multiple modes for school choice. Similar to Flatlands, the district has several perennially underachieving schools. This instance requires LHISD to offer residentially assigned students opportunities to utilize the state and federal governments' performance-based transfer policies. The study of school choice implementation is even more interesting as Lake Heights ISD offers three additional methods of student transfers. In addition, the district proved to be a suitable match for this study since it is one of the nation's most racially/ethnically diverse and contains a substantial segment of upper-middle class and business-class elite residents.

These demographic factors, in addition to implementation of multiple school choice methods, align especially well with the study's focus on policy influence from elite communities.

The principal theoretical lens, Systemic Power, was used to analyze the themes that emerged from interviews. Following the series of interviews with pertinent school district officials and community members, the qualitative data was analyzed to identify major themes and make meaning of the practices used in each context to select receiving schools. This study also featured a distinct focus on how the practices described by those who were interviewed influence the implementation of performance-based school choice policy. Findings from the case studies of the two districts were compared to identify the espoused intentions of school district officials and the strategies used to operate school choice programs. Policy recommendations for improving processes and program outcomes are then provided as emergent data from this study identified less than effective and/or equitable implementation practices.

Theoretical applications. Several philosophical lenses have been used in past studies of educational policy implementation. Consideration of the existing policy implementation literature resulted in the selection Stone's (1980) Systemic Power as the primary framework for this analysis of receiving school selection. As outlined in Chapter Two, Systemic Power asserts that the nation's socioeconomic structure results in mounting disadvantages for less-affluent and less-influential populations as public officials favor policies and programs that disproportionately benefit the higher strata groups providing them financial and political support. When applied to education,

specifically the implementation of performance-based school choice, this policy preference phenomenon would suggest a possibility for practices to exist that erect and/or maintain barriers for low-income families desiring to send their students to high performing schools. This study uses Systemic Power to critically interpret the processes in the educational institutions.

Stone's (1980) framework is applied here to explore whether performance-based school choice policy is implemented in a fashion that constrains the promise of increased access and opportunity for students residentially zoned to underperforming schools. Data was collected and analyzed to obtain a deep understanding of factors considered when generating a supply of receiving schools. Additionally, the supply of receiving schools was compared to the districts' remaining schools to assess the level of representativeness of the selection. Per Stone's theory, an examination of how external individuals and groups not directly responsible for management of the choice program influence the selection decisions and implementation as a whole was included. Finally, implications of the selection decisions for access and opportunity for the students that performance-based school choice is designed to serve were identified, analyzed and explained.

Setting. This study was conducted in two large, metropolitan, socioeconomically and racially/ethnically diverse school districts, each serving over 50,000 students. The research sites were purposefully selected and are located in the state of Texas. The selected state and metropolitan contexts have been chosen for several reasons. First, both districts offer school choice under existing federal provisions. Second, the selected school districts have long operated student transfer options preceding NCLB performance-based

intra-district school choice policy. As mentioned above, Texas' 74th Legislature enacted Texas Education Code (TEC) §25.031 in 1995 that permitted LEAs to offer school transfers within in the same district (Texas Education Code, 1995). In the same legislative session TEC §25.201 introduced intra-district school choice permitting parents to select a school other than their residentially assigned location, pending that potential school sites were not at or over building capacity. TEC §25.201 also provided parents an inter-district transfer option through use of a Public Education Grant transfer, a tool specifically designed to provide transfers from underperforming campuses (Texas Education Code, 1995). Despite their specific and unique contexts, both of the selected districts have operated intra-district school choice as mandated by state and federal statutes.

The state of Texas also applied for and successfully secured a conditional NCLB waiver under the Federal Department of Education's ongoing program. This development requires that the state implement a new college and career readiness standards, broaden teacher and principal effectiveness evaluations and supports, and introduce a tiered accountability rating and recognition system for Title I districts/schools (TEA, 2014). Over the course of several rounds of correspondence the Texas Education Agency (TEA), has requested an exemption from required high school mathematics testing due to recent state legislative changes reducing the number of standardized tests. Additionally, the state requested additional time to develop its professional evaluation and support system. The latter was granted as the US DOE has given TEA through the 2014-15 school year to finalize an evaluation model. Despite these policy changes the state's pre-existing school

choice provisions will remain in effect. Therefore, students previously qualifying for and participating in transfers will remain eligible for access to other campuses in and out of their districts.

The second rationale for the selection of the settings concerns student population size and the quantity of schools. The considerable student enrollment numbers of the school districts provides that there are many school locations, specifically high schools, which can serve as potential sending and receiving sites. This distinction is important as school choice programs can be limited by the fact that some districts only have one secondary school and /or few higher performing schools to transfer into. Indeed, the selected districts have a large enough total student enrollment and enough schools to create an actual supply of receiving locations. Additionally, there is diversity in the academic performance of schools in the selected districts with some campuses ranking as top performers in the state and nation while others have been underperforming for years. All of these factors provide that the selected educational context is unique from many of the nation's LEAs that are organized in independent, town-based entities with low student enrollments. Finally, residence, professional, and academic experience in the selected state has provided knowledge of the political context, demographic compositions, and educational policy landscape.

Data Collection

The following research activities were performed in this study on performance-based school choice and receiving school selection. Data collected through judicious study of print documents and interviews was analyzed and the resulting themes were able

to inform the current research literature. Moreover, the study aimed to develop policy recommendations that will have utility for improved implementation of school choice.

Interviews. Participants were strategically selected to provide illumination on the process of selecting receiving schools. The fifteen study participants included high-level school district administrators and building level personnel such as superintendents or assistant superintendents, board members, the district policy/program managers responsible for supervising school choice, and building principals. These individuals were intentionally selected as they have immediate and frequent interaction with school choice policy in their districts. Referrals from the interview participants provided access to informed community members such as parents who had used some form of choice in their districts as well as leaders from non-profit community organizations. Table 3A below portrays the interview participants.

The selected individuals provided valuable data from unique perspectives crucial for triangulating the qualitative data. A comprehensive perspective of the implementation of performance-based school choice was garnered through selection of actors with varying roles and levels of influence in the receiving school selection process. School board members were selected on the basis of their experience and involvement with the districts' school choice programs. Principals, in one district where access was granted, were selected through program manager referral, years of service at the district, and on the basis of their school being a school choice receiving or sending site. This allowed for knowledge to be formed about a leader's perception of choice from both the sending and receiving site perspectives as several principals had experience in a variety of settings.

Finally, community members with knowledge of, and active participation in, the school communities were selected. Interviews were held with individuals from non-profit community groups as well as parents with students who had exercised a choice option. These sessions provided an additional context on the influence of those not formally representing the LEAs.

Table 1

Interview Participants

District/Org.	Participant Code #	Title
Flatlands ISD	1A	Exec. Director Student Services
Flatlands ISD	2A	District Demographer
Flatlands Chamber Of Commerce	3A	CEO
Flatlands ISD	4A	School Board Member
Flatlands NAACP	5A	Flatlands NAACP
Lake Heights ISD	1B	Superintendent
Lake Heights ISD	2B	Exec. Director Student Affairs
Lake Heights ISD	2B	Student Affairs Coordinator
Lake Heights ISD	3B	HS Principal
Lake Heights ISD	4B	HS Asst. Principal
Lake Heights ISD	5B	MS Principal
Lake Heights ISD	5B	MS Asst. Principal
Lake Heights ISD	6B	Parent
Lake Heights ISD	7B	School Board V.P.
Lake Heights ISD	7B	School Board Sec.

Merriam (1988) notes that it is not possible to observe how individuals have organized and made meaning of the world around them-- they must be asked. Semi-structured interviews served as the primary method of collecting data in this study. Interviews are one of the most fruitful data collection strategies for conducting case studies (Merriam, 1988). Fontana and Frey (1994) explain that interviewing is "one of the most common and most powerful ways we use to try to understand our fellow human beings". Indeed, understanding human interactions, in various forms, is the entire point of interpretive case study research. Although interviews are an incredibly informative research strategy, some challenges were experienced.

Access. Difficulty gaining access to interviewees and respondent distortion of data are primary limitations to this research methodology. Well-designed questions, a high level of preparedness, and management of time and tone of discourse helped establish an atmosphere in which respondents felt comfortable sharing their thoughts. Semi-structured interviews lasted approximately 45 to 60 minutes and were conducted with the individuals listed above in Table 3A. Exploration of district personnel was executed to identify the appropriate district leaders and program managers. Principals and community members were primarily selected on a referral basis. All members from this group had direct experience with the districts' school choice initiatives.

A few district leaders requested that interview sessions be held with another colleague present. This request was granted and provided additional and valuable perspectives in sessions where two program managers where present, two board members, and two principals. Interview protocols were used to guide the discussions,

remain on task, and structure the overall experience. These documents featured interview procedures and more importantly core questions arranged thematically, in a progressive order that fulfilled the scope of the study's defined research questions. To ensure accurate documentation of responses, I requested permission to audio record the interviews so that they could be transcribed. All participants granted this request. In addition to audio recording, I collected respondent data through maintaining detailed written notes on the interview protocols. To confirm that respondents' commentary is accurately recorded, member checking during the interviews was done when appropriate to ensure that responses are interpreted, notated, and described correctly.

Print data. There are several commonly expressed limitations to the use of print data including the potential for incomplete information (Creswell, 2009). The use of print data can be supported because of wide availability and frequent rates of updates. Additionally, the documents allowed for a comparison to be made between extant print material and interview results. For this study data was collected from school district web sites prior to the interviews. Various publicly available print documents derived from the selected school districts were reviewed to garner additional supporting details. These documents included school choice information forms, school district student demographic reports, and academic performance information from TEA. Interview participants at both school districts directly provided demographic tables, district site maps, and additional choice policy information forms. The statistical data and recent developments featured in the selected printed artifacts provided additional background information during the research process (Merriam, 1988). Additional reports and maps

were consulted to identify unanticipated local themes and events adding additional layers of complexity to topic under study.

Data Analysis

Document organization. A rigorous application of the best practices of conducting case study research was maintained to ensure accurate, reliable, and generalizable data from the participant interviews. The initial step in the data analysis process focused on collecting and organizing all documents used in the analysis including transcribed interviews, articles from local media, and researcher notes taken during the interviews. Following organization by type of document, the material was thoroughly reviewed to better understand the purpose, intent, tone, and credibility of the sources. Although seemingly rudimentary, this step was highly valuable for ensuring effective and accurate use of source data for interpretation and analysis.

Coding and theme development. The data from the participant interviews and print documents was also analyzed through a rigorous coding method to create common themes and make meaning of the receiving school selection process of performance-based school choice. Coding is described as process of categorizing material into textual portions prior to assigning meaning (Rossman & Rallis, 1998 in Creswell, 2009). This procedure was performed through arranging and creating appropriate descriptive labels for the grouped source data. Some codes are representative of the setting, participant perceptions, procedures, and relationships, among others. Additionally, this study used a hybrid method of code development where both preexisting codes based on the guiding

theory, Systemic Power, and emergent codes. The predetermined codes will be arranged into a document listing the codes and their definition.

The coding and theme development process was executed by employing an outline coding methodology. The process was entirely facilitated via computer using Microsoft Word software that permitted significant findings in transcribed interviews to be highlighted with alternating colors that were associated with a theme. The highlighted content was then grouped by theme and arranged in an outline. These steps were taken for all interviews, and eventually all themes from interviews were merged into a master outline for each school district. This process greatly eased the transition to generating several descriptive themes from the coded data. The themes resulting from the coding process were then cross-compared to observe the presence of relationships and draw distinctions and connections between the cases. The theme outlines detailed descriptions of the major findings to convey the complex accounts, processes, and relationships found at the school districts. The latter portion of the data analysis process involved use of descriptors to interpret and report the findings of the study. This concept is crucial to the case study research process as a genuine understanding and assignment of comprehensive meanings were developed. The results from the research provided new information, and confirmed findings in extant research. Policy recommendations for the implementation of intra-district performance-based school choice were drafted through the case comparisons and application of theory.

Reliability, validity, and generalizability. Research methods were included to ensure that the data collection and analysis processes result in valid data. This was

confirmed through performing several steps. First, all procedures associated with the data collection and interpretation were explicitly conveyed in a written protocol. Second, the thorough review of the transcribed interviews minimized the chances that errors were made in the transcription process. Details have been included explaining the analysis process including explanation of the careful theme evaluation methods performed to discover direct, inverse, or causal relationships.

Validity of the data can be ensured by use of effective interviewing techniques. Independence from researcher influence is validated through ensuring that the design of the interview protocols allowed participants to express their thoughts without judgment. Further assurances of validity were provided through comparing and contrasting data, reviewing of outlier information, and triangulating the resulting data. The triangulation of the various data sources and comparison of participant perspectives was particularly important for establishing a rational and compelling account reflected in the emerging themes. The previous steps assure that the process of drawing conclusions from the provided data was performed appropriately. The selected methods of processing the participant data prove beneficial in producing valid and well-organized findings that can be generalized across contexts and for offering policy recommendations.

Research Limitations

Gaining access to important contextual information is a common challenge in many research studies. No difficulty was experienced in locating and securing access to written reports, maps, relevant forms from the school districts as several participants willingly provided documents prior to being requested. Additionally, it can be

challenging to determine the personnel, technological, and other resources that districts devote to management of the performance-based choice programs. Fortunately, the participating program managers openly discussed the human and material resources used to operate their district's choice policies.

Qualitative researchers conducting studies on sensitive topics are commonly challenged by gaining trust, establishing rapport, and receiving accurate and honest data from interview participants (Fontana & Frey, 1994). This notion is particularly valid for this study as school district personnel are unlikely to purposely provide information potentially damaging the public perception of their organization. Moreover, it was conceivable that some school district officials may be less enthusiastic to openly discuss policies, programs, and procedures that contain race/ethnicity and social class themes. This concern was somewhat encountered in only a few sessions where participants reluctantly identified student groups by race/ethnicity or social class. Other participants freely discussed trends and observations related to student and/or community race/ethnicity and social class. Additionally, it does not appear that any of the respondents purposely provided misleading accounts or descriptions of practices out of concern for maintaining their employment and representing the school district in a less than favorable manner. This can be difficult to discern; however, a review of other participants' accounts and the provided print documents alleviates this concern. Follow up questions were designed to ascertain sensitive information in a non-threatening fashion. Fortunately, no participants elected to not comment on the more sensitive concepts. Interview participants could have reported several additional and/or conflicting

explanations of receiving school selection methods to prevent discovery of unfavorable practices. Again, it appears that this was not done as additional policy worksheets explaining the selection process were provided and discussed.

Conclusion

Performance-based school choice as featured in NCLB and Texas state policy is but one of a litany of strategies aimed to improve the plight of students in underachieving schools. This examination of the practices used to implement performance-based school choice will greatly contribute to the research body concerning equity-minded educational policy. Specifically, this study provides new insights on performance-based school choice policies by exploring methods used by LEA officials to select receiving school sites and whether access to markedly better schools is truly provided.

This and other explorations of intra-district performance-based school choice is particularly crucial as matters are arguably more pressing for economically disadvantaged students who are often residentially assigned to underachieving schools. Without further granting of federal NCLB waivers many students attending underperforming schools will qualify for performance-based transfers to academically stronger schools. However, the potential for increased access and opportunity may be tenable. This study contributes to extant work to help determine whether, and to what extent, emancipatory choice policies fulfill their promise. Moreover, this dissertation contributes to the knowledge base by comparing and contrasting two unique schooling contexts to identify specific reasons why choice programs may or may not provide access to higher performing schools for those residentially assigned to underperforming locations.

Chapter Four: Findings from Case Study One- Flatlands ISD

This chapter provides a descriptive qualitative analysis of school choice implementation in one of the selected LEAs. Interviews were conducted with school district program administrators, a school board member, and community leaders to address the questions featured in this comparative study of school choice implementation practices. This study specifically seeks to identify the strategies school districts use to create a supply of receiving school sites and the implications for equity that result from the methods. The chapter begins with a demographic overview of the school district and the community it serves. Much focus is then devoted to identifying the district's implementation of its current school choice policy to fulfill the research questions. Initial findings and implications of the implementation of school choice policy in the featured district are then provided.

Flatlands, Texas, Demographic Overview

The first district of focus is the Flatlands Independent School District. The city of Flatlands is situated on the perimeter of a large Texas metropolis and contains both urban and suburban communities. As seen below in Table 2, census data reveals that the city has a large population that exceeds 200,000 residents. Flatlands is also a racially and ethnically diverse city. Approximately 43 percent of residents are Latino, 32 percent White, 13 percent African American, and 12 percent Asian (U.S. Census, 2015). Additional census data reveals that 27 percent of Flatlands residents were born in outside of the U.S. and 46 percent of community members speak a language other than English in the home.

Table 2

Flatlands, Texas Resident Demographics

Criteria	Flatlands, TX	State of Texas
African American	13%	11.8%
Asian, Asian American	12%	3.8%
Latino	43%	37.6%
White	32%	45.3%
Poverty Rate	16%	17.6%
Foreign Born	27%	16%
Speak Additional Language	46%	34.7%
Median Household Income	$52,000	$51,900
Median Home Value	$120,000	$128,900

The Flatlands community is socioeconomically diverse. Median household income in Flatlands is approximately $52,000, an approximate amount to the state's median income (U.S. Census, 2015). The poverty rate in Flatlands is 16 percent, two percent lower than the state's rate (U.S. Census, 2015). Residential information provides an additional lens of the economic dynamics of Flatlands. The city's home ownership rate is approximately 60 percent, which indicates that there is a large market of rental homes. Finally, the median home value in Flatlands is $120,000, nearly $10,000 less expensive than the median Texas home value (U.S. Census, 2015). These economic figures are represented above in Table 2.

The Flatlands community is urbanized and contains a considerable manufacturing and industrial sector. There are many and varied large industrial warehouses, parts manufacturing plants, and trucking hubs; some of these facilities are currently shuttered. Flatlands also has a diverse housing stock. Large portions of the city are densely settled

with multifamily communities while the outlying suburbs have spacious single-family homes. The portion of the community bordering the city core is heavily settled with older apartment communities and older single family homes in varying condition from near dilapidation to properties that are well maintained. Predictably, when traveling from the older, densely settled neighborhoods to the suburban communities the homes and retail establishments are larger and newer, as are the schools. Reflecting state and national trends, working class Latino and African American families primarily reside in the older urban neighborhoods while the newer suburban areas are heavily settled by the city's White residents.

Flatlands ISD Overview

Flatlands, Texas, is primarily served by the Flatlands Independent School District. Flatlands ISD was formed in 1964 when it served a mostly suburban White population of nearly 14,000 students (Flatlands ISD, 2014). In addition to serving Flatlands the district serves two bedroom communities that border the city. As one of the larger districts in the state, FISD has a student enrollment exceeding 50,000 students and employs more than 7,000 people (Flatlands ISD, 2014). The district service area is large at approximately ninety square miles and stretches from dense urban neighborhoods near the region's largest city to suburban rolling hills that border a lake. The district operates over seventy schools including fifty elementary schools, a dozen middle schools, and eight high schools.

As stated earlier and seen below in Table 3, FISD students come from diverse racial, ethnic, linguistic and cultural backgrounds. The Texas Education Agency's school

report card shows that 55 percent of Flatlands ISD students are Latino, with 20 percent identifying as White, 15 percent African American, and 7 percent Asian (TEA, 2014). When compared to the state's student demographics FISD has two percent more African American students, three percent more Asians, and nine percent fewer White students. Additionally, 65 percent of FISD students are categorized as economically disadvantaged and 23 percent of students are English Language Learners. These figures are represented below in Table 3. The poverty level is five percent higher than the state's; and the district's percentage of English Leaners is six percent higher than the state average. Although Flatlands has a moderate level of residential segregation by race/ethnicity and income, the majority of the district's schools do not have high levels of over/under representation of students by race/ethnicity or socioeconomic status due to FISD's unique school choice policy.

Table 3

Flatlands ISD Student Demographics

Criteria	Flatlands ISD	State of Texas
African American	15%	12.7%
Asian, Asian American	7%	3.7%
Latino	55%	51.8%
White	20%	29.4%
Economic Disadvantage	65%	60.2%
English Learners	23%	17.5%

Flatlands ISD schools generally perform academically well as measured by the Texas Education Agency's annual school report cards. The state's annual performance

index is comprised of four measures that include student achievement, student progress, closing performance gaps, and postsecondary readiness. Out of nearly seventy schools Flatlands ISD only has three campuses, one elementary, one middle, and one high school that were identified as 'improvement required' sites within the last five years that school report cards were issued (TEA, 2014). Thus, students residentially assigned to these three sites qualify for PEG transfers under the state's school choice policy. The state's performance-based transfer requirement is fulfilled since Flatlands ISD annually offers open enrollment choice to all students in the district. Further review of the district's school report cards finds that campuses' achievement of the 'met standard' designation ranged from one to more than twenty points above the state's target scores. The highest performing high school campus is located in a suburban community with newer residential and commercial development. The campus' percentage of economically disadvantaged students is half of the district's overall average and the White student enrollment is twice as high as the average school in Flatlands ISD (TEA, 2014). This campus is an anomaly in the district as the majority of schools have a more thorough mix of students that is directly attributable to Flatlands ISD's school choice policy.

School Choice in Flatlands ISD

Historical context. School choice programs vary greatly in their inception, purpose, and operation. Flatlands ISD has an extensive choice history with variations of programs operating over thirty years. Comparable to many school districts across the nation, particularly in the southern states, Flatlands ISD was placed under a desegregation court order in the 1970s. Similar to many districts Flatlands continued operating under de

facto segregation for years following the *Brown v. Board* rulings of the mid-1950s. A review of documents located on the district's website confirms that Flatlands ISD was subject of a court ordered desegregation plan in the 1970s as separate schooling environments were maintained (Flatlands ISD, 2015). A local chapter of the National Association of the Advancement of Colored People (NAACP) sued the district in the 1980s for ongoing school segregation. This resulted in an amended civil court action requiring the district to take additional steps to desegregate its schools. Interviews held with school district program administrators and a current leader of the local NAACP chapter confirmed these details.

Interviews with the district's choice program administrators and a school board member provided data about the district's use of school choice to desegregate its schools. The second court action resulted in several major changes for the district. First, the district closed the remaining racially identifiable schools that primarily served African American students. These schools were then restructured as gifted and talented magnet schools to draw White students, thus promoting higher levels of integration while one-third of the school was to be comprised of neighborhood students. This method was widely used throughout the nation; however, it does not necessarily ensure that students, especially those in specialized magnet programs, take courses together. Interviews with school choice program administrators indicate that FISD created several additional magnet programs in the following decades; half of the district's high schools now host a themed 'academy' or magnet program with 40 percent of the seats reserved for students from the surrounding neighborhood.

The second outcome from the second, and still in effect, court order was the establishment of a biracial committee comprised of parents and community leaders. An interview with a leader from the local NAACP chapter indicates that the group was created to increase community engagement, monitor district policies, and provide feedback to district officials. In its original iteration the committee was comprised of African American and White stakeholders. This was later broadened to match the district's still growing Asian and Latino communities. Now entitled the multiethnic committee, the group reviews the district's reports on a variety issues regarding testing outcomes, transportation, and the school choice program. Though the committee is not a decision-making body, they are empowered to petition the school district to modify policies and programs and advocate for additional reforms on behalf of FISD families. One of the district's choice program administrators observed that unlike the district-wide PTA which has a disproportionate number of White parents, the multiethnic committee is racially/ethnically diverse and includes Black, Latino, and Asian members. However, the administrator expressed concern that many members of the multiethnic committee do not have school-aged children enrolled in FISD schools. She indicated that this fact may result in a disconnect from current community members' interests.

Last and most important, the lawsuit led to the creation of an open enrollment school choice plan that utilizes a student enrollment ethnicity ratio set at 20 percent to racially balance schools. The ratio prevents all FISD schools from being over or under-represented by more or less than 20 percent of the district's overall student demographics. FISD school choice administrators from the district's student services department

reported that the district was additionally prevented from accepting inter-district student transfers from the large urban school district neighboring FISD that was undergoing rapid White flight in the years following its desegregation order. This measure was mandated to better achieve racial balance in FISD schools that were also undergoing demographic change. One of the district's student services administrators interviewed for this study has been employed with the district in various senior leadership roles for forty years, including an extended period where he was responsible for implementing school choice. The administrator explained that Texas state statute provides for school choice in every public school district, though not all districts have extensive programs similar to Flatlands ISD. He further noted that the open enrollment program is occasionally modified to remain current with student demographic changes and the opening or closing of campuses.

School Choice Program Design

The first research question in this study of school choice asks how districts implement their programs in general. Information regarding the design and management Flatlands ISD's open enrollment school program was collected through a series of interviews with student services administrators, a member of the school board, and two community leaders. Data was also obtained through reviews of publically available information on the Flatlands ISD website. In addition, several interview participants provided print documents detailing student demographic trends, campus locations, and specific administrative functions utilized in managing the open enrollment school choice program. Interview participants' explanations of the choice program design and features

were then compared to the print and online materials as a method of validation. Key aspects of the program are addressed here to provide an overview of Flatlands' school of choice program with the emphasis on implementation at the secondary school level.

Flatlands ISD utilizes an open enrollment version of school choice in which the district makes all schools available to enrollment on an annual basis. Families have thirty days from late January to late February to review school information and complete a choice request form. The choice program documents are provided online, at local schools, in administrative offices, and are also mailed home in multiple languages. To successfully complete the process, parents and/or guardians must rank their top three school choices for consideration by student services departmental staff. Once selected, the family's choices are binding for the upcoming school year. The student services department then processes the school ranking forms and considers several measures in placing students that include keeping siblings at the same school, changes in residence, physical or intellectual disability, and cases of hardship. Campuses where choice demand exceeds student enrollment capacity are designated as closed sites and students are placed on a wait list that is processed as space becomes available throughout the school year. Interestingly, students on the waiting list are not processed in a first-come-first-served basis but rather by residential proximity to the requested school. All families are required to participate in FISD's open enrollment process; those who do not submit applications on time are manually placed in a school. When making a manual placement student services personnel primarily consider enrollment capacities at campuses close to students' home addresses.

In separate interviews, both district program administrators reported that 97 percent of families are placed at their first choice school. The district officials also noted that although a success rate of 97 percent is laudable, families not receiving their first choice are often irate. In these cases the choice process is often viewed as failed, although placement at the family's second choice campus often results in satisfaction. Students may be denied access to a school for several reasons; chief among them are to maintain enrollments within the bounds of the 20 percent ethnicity ratio and in consideration of building capacity. The district uses several databases to manually process placements for the three percent of students who do not get their first choice school placement. The chief program administrator reported that the district has purchased a new software platform that will mostly automate this process.

The program administrators indicated that approximately 80 percent of the districts' schools are comprised of students from surrounding neighborhoods. This finding indicates that families prefer school attendance closer to their homes for a variety of reasons such as logistics and convenience. One of the student services administrators suggested that the remaining 20 percent of students that reside outside of the neighborhood is not insignificant. He further suggested that the fact that 20 percent of students attend schools outside of their neighborhood is enough to differentiate the outcomes from the open enrollment process from the residential school assignment practices used in most of the nation's school districts. As referenced earlier, Flatlands ISD currently has three campuses designated as an 'improvement required' and qualifying for PEG transfers. This fact denotes that the district's open enrollment choice

policy concurrently fulfills performance-based transfer requirements. However, in the case that a school becomes academically underperforming the district's annual open enrollment process would permit students to transfer to higher achieving locations.

Factors Affecting Open Enrollment Operation

Racial balance. To fully address the first research question interview participants were asked to address several factors potentially affecting implementation of the district's open enrollment choice plan. The first sub-question inquires how factors such as student demographics and transportation affect operation of the choice program. Interestingly, all interview participants commented that Flatlands ISD is legally required to include consideration of these concepts. The court order requires that the district maintain racial balance in all schools to prevent school segregation and racial isolation. This requirement is attained by utilizing an ethnicity ratio in which no school can be more than 20 percent overrepresented or underrepresented than the district's overall student demographics. As an example, the district's current Latino student enrollment is approximately 55 percent; therefore, no schools can be less than 35 percent or more than 75 percent Latino due to the 20 percent ethnicity ratio.

One of the student services administrators revealed that there are three schools currently violating the established race/ethnicity ratio by small margins. In these instances several of the district's high schools have White and Latino student enrollments that are nearly 20 percent higher than the district's total percentages. The violations required the district to report the instances to FISD's multiethnic committee, which decided to forgo a formal complaint, or initiate any legal action as the district works to

correct the issue. The choice program managers expressed an acute awareness of the importance of student racial/ethnic demographics and constantly monitor these factors in their management of the open enrollment plan. It is likely that the level of attention can be attributed to the ongoing legal mandates of the court orders, oversight of the multi-ethnic committee, and possibly professional and personal interests in preventing school re-segregation. Indeed, the program administrators, in separate settings, offered several comments on the value of maintaining, within their and policy's ability, racial balance in Flatlands schools.

A review of a district-provided spreadsheet containing historic student demographic information reveals that at the time of the first desegregation order Flatlands ISD had a student composition that was approximately 90 percent White, 5 percent Black, and the remainder Latino and Asian. The same documents report that by the time of the second court action, the district's population of students of color more than doubled as the proportion of White students decreased to 75 percent, still a substantial majority of students served. The district's White student enrollment following the enactment of school choice programs continued to plunge at a rate of 10 percent each decade. The student services administrators were reluctant to attribute the implementation of the open enrollment school choice to White flight from the district. Rather, they suggested that the substantial decrease in White families was a result of the community's age and interest in nearby suburbs with newer residential and commercial development. Flatlands ISD has continued losing White students at slightly more than 10 percent with each following decade. The district's current White student enrollment is now 20 percent.

Transportation. Transportation emerged as a major factor in implementing Flatlands' open enrollment school choice plan. Unlike many school choice programs, Flatlands ISD offers transportation throughout the district for students attending schools that are greater than two miles from their homes. Currently, Flatlands operates a massive school bus enterprise similar to that seen in districts in the era of forced bussing to integrate schools. In separate interview settings both district program administrators identified transportation as a major, if not contentious, issue. Several topics related to transportation emerged. First, maintaining a large fleet of busses is a major cost for the district. In addition to high fuel costs, driver and maintenance personnel constitute a substantial expense for the district. The administrators also remarked that they work closely with the district's transportation department to plan the many bus routes that transport students in various directions between students' selected school and their homes. The school choice program administrators, school board member, and local community leader remarked that the district's large size results in some students experiencing protracted, nearly forty-five minute, bus rides to and from their schools.

Distance between home and selected school, and the routes to bridge these distances, emerged as another area of concern. The interview participant representing the local chapter of the NAACP commented that community members have expressed frustrations about the routes in the past and continue to do so. To reiterate, Flatlands ISD serves three jurisdictions with an urban and suburban population of nearly three hundred thousand making some bus routes quite long. Interview participants from the district noted that the extensive bus routes somewhat mitigate large percentages of the

concentrated urban communities selecting schools in the more distant fringe suburban areas; although some families make this choice as the schools are the district's more attractive, newer facilities. The NAACP member did not provide any specific complaints about the bus routes, only that they could be better designed to increase convenience for families.

One of the other major findings regarding the district's size and extensive transportation network is that the many of the district's low-income families do not own personal vehicles, thus rely on public transit, and their students rely on the district's bus system. This dependence on public and school district transit limits access to school sites for special programs, meetings, and extracurricular activities. Interview participants offered diverse perspectives of parents' views on transportation. One district program administrator observed that due to a lack of vehicle ownership many parents have never visited their child's school. The student services administrator continued by noting that limited access to transportation often results in less school engagement and less ability to participate in the school programs. Alternatively, the participating school board member mentioned that she often asks parents about their opinion on the district's transportation system. The board member reported that many parents accept the long bus rides since they provide their students access to the slightly higher performing schools outside of their neighborhood. Additionally, the board member stated that many parents, particularly those who are low-income and people of color, do not want their children to attend school with the other children from their neighborhoods. The board member did not provide supporting background information behind these distinct parent preferences.

School demographic and performance comparison. Interview participants were also asked to identify how the district's supply of receiving schools, in this open enrollment case all schools, compare by student demographics and academic performance. As can be predicted, Flatlands ISD high schools have relatively moderate variance in student diversity and academic performance due to the open enrollment school choice methodology and required racial balancing processes. Subsequently, the district's high schools have somewhat similar student race/ethnicity compositions although there are a few exceptions. Comparing the district's two most dissimilar schools verifies this finding. Lake Terrace High School is located in an outlying suburban community and serves 2,500 students. Lake Terraces has a diverse student body, 45 percent of students are White, 30 percent Latino, 17 percent Black, and 5 percent Asian (TEA, 2014). In comparison, Plainview High School, which serves 1,800 students and is located in a more densely settled, urban community, has a student body that is 60 Latino, 28 percent Black, 10 percent White, and 2 percent Asian (TEA, 2014). Even with the district's open enrollment choice program and racial balancing, Lake Terrace's White student enrollment is 30 percent higher than Plainview High School. Further, Plainview has 30 percent more Latino students and at 70 percent the economically disadvantaged rate is 40 percent higher than Lake Terrace's (TEA, 2014). This contrast is the district's most extreme example as the remaining high school sites are more racially and socioeconomically balanced, within a 20 percent range. This context is unlike many large diverse school districts across the nation that often have schools comprised of 75 percent or more of one race/ethnicity.

Flatlands ISD schools have moderate variance in academic performance. When comparing the districts' high school scores, all sites are within ten points of each other on all four performance measures. FISD schools with comparatively lower percentages of economically disadvantaged, English learner, and special education students achieve at performance rates ten points higher. These same schools also have higher enrollments of White and Asian students. As an example, Lake Terrace High School's student achievement score is 80, while Plainview achieved a 70 (TEA, 2014). To reiterate, in many of the nation's school districts performance rates are often drastically higher or lower between schools. It is probable that the district's use of an open enrollment choice plan that balances student enrollments by race/ethnicity results in lower performance gaps between schools.

Several questions stem from these comparisons. First, although it is the most dramatic comparison, Lake Terrace and Plainview high schools are dissimilar by race/ethnicity, socioeconomic status, and academic performance. This finding questions whether Flatlands ISD's open enrollment plan truly balances its schools. Second, the board member reported that many parents want their children to attend schools with students from other neighborhoods. It is possible that this parental preference is inconsequential since most schools are somewhat similar by race/ethnicity, socioeconomic status, and academic performance. Both student services administrators and the school board member mentioned that many parents select schools based on how recently the surrounding neighborhood and campus were constructed. Thus, the schools with the highest demand for transfers are newer facilities located in the district's

suburban communities that have a larger percentage of White and affluent residents when compared to Flatlands' other communities. This finding suggests that FISD parents' perception of favorable school choice selections are based on the age of the campus and the ratio of more affluent and White students. The next research question addresses in greater detail parent and community group demands of and influence in Flatlands' school choice policy.

Community input and parent demands. As referenced in the preceding literature review and theoretical framework, this study seeks to understand school district officials' policy preferences and how they respond to community members and groups. Interview participants were asked to identify how external groups influence school choice policy when creating a supply of receiving school sites. Unique to Flatlands, community engagement is legally integrated in the district's operation of its open enrollment choice policy. Each interview respondent indicated that the district has mandated interactions with the aforementioned multi-ethnic committee, an implication of the desegregation order and ongoing court oversight. The student services administrators also noted that they plan outreach strategies and events to inform families about the open enrollment process. They also reported frequent interactions with parents when their highest ranking school of choice is not accommodated. Indeed, one of the student services administrators observed that families highly favor FISD's school choice policy, except when enrollment at their highest ranked school is not granted. Again, 97 percent of Flatlands students are able to attend their top ranked campus. However, student services personnel endure

boisterous complaints from the three percent of families denied their first choice on an annual basis.

Contention. The business community leader interviewed for this study noted that navigation of Flatlands ISD's open enrollment school choice program and the ability to appeal to unfavorable choice outcomes is often easier for the district's more affluent and informed families. Two compelling explanations supporting this claim were offered. As previously noted, transportation is a primary concern for many Flatlands residents. Although the school district provides general bussing in the mornings and afternoons there are no such services outside of standard hours. For families lacking reliable transportation this means that participation in extracurricular activities and attending parent-teacher conferences is difficult. This is especially valid due to limited public transit in the school district's outlying suburban neighborhoods.

The second factor disproportionately challenging less affluent families is access to information. The district administrators assert that they have made many improvements over the years to increase information delivery to all families about the open enrollment process. FISD has intentionally maintained a paper application school choice process so that families without computer and internet access may still participate. While not relying a on web-based choice platform is helpful for low-income families, they are still likely to experience greater difficulty ascertaining additional school details such as academic performance ratings that are mostly accessed online. The school board member noted that many families make their school selection decisions based on the Texas Education Agency's school report cards that are primarily available online. Lack of access to an

internet-equipped computer results in a possible information gap for families unable and/or unfamiliar with accessing and analyzing school performance data. The school choice program administrators noted that the district mails open enrollment information and forms to parents and that the documents may also be accessed at school sites. However, parents unable to review the Texas Education Agency's school report cards remain less able to compare all of the schools' metrics when ranking their desired school sites. Despite school performance or reputation, one of the student services administrators added that he has historically noticed that many of the less-resourced families often select schools closest to their homes due to logistical ease.

All interview participants commented on the community's perception of Flatlands ISD's open enrollment policy. Interestingly, every person interviewed, including those from the community and those who are not employed by the district, reported relatively low levels of disapproval with FISD's school choice policy. To be sure, there are families who annually express outrage at not gaining access to their top ranked school; however, there appears to be low anti-choice sentiment otherwise. The interview participants attributed the general favorable perception of school choice to the fact that Flatlands ISD has been operating some element of the policy for nearly forty years; school choice has become a part of the school community's culture. The program administrator who has served in the district for forty years explained that complaints about the choice policy vastly diminished nearly two decades ago. He continued by explaining that in the past the opposition to the choice policy was mostly from White families displeased with the increasing diversity of their schools. The administrator further noted Flatlands

experienced White flight to the newly developing, predominantly White neighborhoods in the district farther away from the city center.

In a separate interview setting, another student services administrator observed that White families can no longer escape the district's diversity since Flatlands ISD is approximately 80 percent Latino, Black, and Asian. She continued by stating that she resides in one of Flatlands' suburban neighborhoods and while there are more Whites than in many other parts of the district, it is still quite diverse. Another program administrator noted that the families residing in the more recently developed affluent White neighborhoods generally elect to attend the schools in their immediate community. Since the vast majority of families are matched with their first choice school, few students from the more upscale communities are required to attend the schools located in the districts working class communities of color. These findings indicate that a combination of decades of operation and a high first-choice school match contribute to the reported low rates of contention about the open enrollment choice policy.

Policy implications for equity and access. Well-informed and well-resourced families are better positioned to use an open enrollment school choice policy to segregate and give their children a higher degree of advantage through attending the better schools. This scenario would be especially likely in school districts adopting a laissez faire approach with low levels of monitoring for equitable implementation. Flatlands ISD has maintained a high degree scrutiny of the open enrollment plan to limit unequal outcomes. Further, the district's legally mandated operation of a desegregation method, in this case open enrollment school choice, further limits the influence of individuals and groups

opposed to increasing equity and opportunity. The program administrators and school board member offered two primary mechanisms used to promote a transparent and fair open enrollment process. First, the administrators noted the multiple layers of district oversight and community input in the choice program. Again, by mandate of the district's still-active school desegregation court orders, the district is required to engage a multicultural committee of community stakeholders. The district also maintains active engagement with ethnic community advocacy organizations including local chapters of the NAACP and LULAC. This level of pseudo-oversight was designed to ensure a high degree of accountability in guaranteeing that Flatlands ISD ended discriminatory school assignment practices.

The choice program administrators also noted that the district maintains a strict adherence to established and publically available procedures as a method to safeguard equitable operation and outcomes of the choice program. In anticipating that some families would seek to manipulate the open enrollment program to favor continued segregation, the administrators claim that no special requests, appeals, or lobbying is accepted that violates established guidelines. In addition to promoting an equity-focused supply of receiving school sites the student services administrators noted that specific steps are taken to balance schools' student demographics. As required by the court order, the district must apply the 20 percent race/ethnicity ratio to ensure that no schools over and under enrolled outside of the overall student demographic of the district. Though it seems that Flatlands ISD, per legal mandate, is operating a fair and equitable school choice policy it remains unclear if this has always been the case. Indeed, it is entirely

possible that in past years the district could have begrudgingly managed the open enrollment program to a minimal degree to remain within the law.

Interview participants were asked to describe outcomes of Flatlands' choice policy. The business community leader noted that there is a high sense of parent approval because the open enrollment program provides a level of agency in school attendance decisions that many families across the nation do not have. Another community leader noted that the diverse academy and magnet programs at the district's high schools better allow students to select a school that matches their career and creative interests. Alternatively, students would be residentially assigned to a school where they may not have opportunities to engage with programs they prefer. Additionally, one student services administrator suggested that the open enrollment policy promotes cultural integration and appreciation. This claim is obviously difficult to measure, but seemingly reflects the value on diversity and access espoused by the district's leadership.

The interview participants acknowledged that the district's open enrollment plan is not perfect. One community leader asserted that the bus routes should be redesigned to reduce the long commute that some students endure. Interview participants employed by the district expressed concern about the future financial viability of the district's transportation enterprise. One of the program administrators remarked that the staff is constantly fine-tuning processes to increase efficiency in manually placing the three percent of students that are not granted their top ranked school. Another student services administrator disclosed that the department has been charged by the superintendent to make the open enrollment process even more parent friendly. Specific examples were not

provided explaining how the district will further increase accessibility of information and outreach. This initiative was presented as vital as there are numerous families that do not complete any of the open enrollment processes resulting in manual placement at a school that may not be convenient or amenable.

The school board member attributed her initial election victory to campaigning on the merits of Flatlands ISD's school choice policy. Having resided in the district nearly thirty years, she reported that the policy has succeeded in better integrating isolated communities and promoting diversity. The board member added that she credits a recent district-wide distinction of excellence to the choice policy and the accompanying magnet programs. Furthermore, the board member remarked that if Flatlands ISD did not have its school choice program it would be a district of "haves and have-nots". Similarly, one student services administrator asserted that the program would likely remain in effect even if the district was released from the court orders by gaining unitary status, a legal indication of racially/ethnically integrated schooling. He continued by suggesting that "there would be a rebellion" if communities learned that the open enrollment choice plan was to be dismantled in favor of residentially assigned school placements.

Conclusion and Current State of Affairs

Flatlands ISD's process of creating a supply of receiving schools through operating an open enrollment school choice policy is relatively uncontroversial in its current form. There are several leading reasons for this. The district's open enrollment plan functions as a catch all for performance-based school choice. Students attending FISD schools classified as academically underperforming are able to transfer to higher

performing campuses the following school year using the open enrollment policy. Second, Flatlands ISD has operated versions of school choice for nearly forty years due to two school desegregation court orders. Interview respondents noted that community discontent with the integration-based school choice policy subsided decades ago; coincidentally, or not, this occurred when Flatlands was experiencing significant White flight. It now appears as though those families have either left the district or have become accustomed to the open enrollment choice plan. Moreover, the local business community interviewed for this study noted that Flatlands is no longer a first choice community for more affluent and White families, groups he believes are more likely to oppose the choice model. He further indicated that this community preference reflects national residential trends of families seeking homes in second-ring communities on the far peripheries of cities. It is also probable that families may be skeptical of Flatlands ISD's open enrollment school choice leading them to select other nearby suburban cities as a new place of residence. The district's demographic trends, which are not unlike the metropolitan region, reflect these points.

Data collection from community members, a FISD board leader, and school choice policy administrators indicates that the prolonged implementation of school choice combined with a significant demographic shift has resulted in incredibly low levels of disapproval with school choice. Moreover, the oversight and accountability provided by the continuing court orders and multiethnic committee has resulted in constant refinement of Flatlands ISD's school choice program so that it is implemented equitably. The equity-based implementation can be directly attributed to the unique blend of historic presence

of school choice, high racial/ethnic diversity, and scrupulous oversight found in this schooling context. Flatlands ISD's equity-based open enrollment policy is not a common school choice context in most school districts. It is likely that the level of adherence to equitable implementation in many communities would not have such devotion in absence of a legal mandate. The next chapter addresses implementation of school choice in another large, socioeconomically and racially/ethnically diverse Texas school district. The differences in socio-geographic context, devotion to high participation, and focus on equitable outcomes from school choice implementation are stark.

Chapter Five: Findings from Case Study Two- Lake Heights ISD

This chapter features a qualitative examination of school choice implementation in the second of the selected LEAs. First, the chapter highlights the community demographics of Lake Heights, Texas. The ensuing passages contain a detailed description of the various methods of school choice offered in Lake Heights ISD. Lastly, themes emerging from interviews with LHISD school board members, choice program administrators, and others are discussed. In thoroughly addressing the research questions, much time is devoted to examining Lake Heights' practices for identifying receiving school sites and the resulting implications for equity and access to the district's high performing schools.

Lake Heights, Texas, Demographic Overview

Lake Heights, Texas, is a rapidly developing first-ring suburban city with a particularly large stock of new high-end residential and commercial development. The city sprawls far into the hinterland outlying one of Texas' metropolises. Recent data indicates that the current population of Lake Heights exceeds 75,000 (U.S. Census, 2015). Lake Heights and its schools have much racial and ethnic diversity when compared to Texas as a whole. The city is approximately 50 percent White, 33 percent Asian, 8 percent Latino, and 5 percent African American (U.S. Census, 2015). The community's percentage of Asian/Asian American residents is nearly ten times greater than the state average of 3.8 percent. At 8 percent, the percentage of Latinos in Lake Heights is much lower than the statewide rate of 38 percent (US Census, 2015). Lake Heights' population demographics are featured below in Table 4:

Table 4

Lake Heights, Texas Resident Demographics

Criteria	Lake Heights, TX	State of Texas
African American	5%	11.8%
Asian, Asian American	33%	3.8%
Latino	8%	37.6%
White	50%	45.3%
Poverty Rate	5 %	17.6%
Foreign Born	33%	16%
Speak Additional Language	40%	34.7%
Median Household Income	$110,000	$51,900
Median Home Value	$260,000	$128,900

A third of Lake Heights' residents were born outside of the U.S., nearly three times the state average and 40 percent speak a language other than English.

Lake Heights, Texas, has experienced rapid growth of high-end residential and commercial development. The city is home to many large upscale communities and high-income households when compared to the state. The steady growth of upper-middle class families to Lake Heights results in a high median household income of $110,000. The household income level is more than double the median state income of $51,900, and the national level of $53,046 (US Census, 2015). Further, the median home in Lake Heights is valued at $260,000; again, more than twice price of the median home in Texas at $128,900 (US Census, 2015). At 81 percent, the vast majority of Lake Heights' residents are homeowners, significantly more than the state ownership rate of 63 percent. Finally, the community's poverty rate is strikingly low at 5 percent; Texas' poverty rate is nearly

18 percent (US Census, 2015). When compared to Flatlands, Texas, the case city addressed in the previous chapter, Lake Heights is approximately twice as affluent based on median income level, home values, and poverty rate. To be sure, there are numerous low-income areas of the Lake Heights community, however many less affluent residents reside in the jurisdictions immediately neighboring Lake Heights proper with students attending Lake Heights' schools.

Lake Heights contains a diverse stock of residential, commercial, and light industrial development with most units constructed in the past twenty years. The city's commercial inventory is primarily a mix of office space and active and well-maintained retail complexes that form a town center that is anchored by a mall. The city also has several well-kempt medium and large warehouses adjacent to the retail and office town center; there are very few heavy industrial sites. Residential communities in Lake Heights are somewhat varied. Large subdivisions continue to be developed throughout Lake Heights and while there are a several older neighborhoods with small single-family homes, only a few multifamily communities exist. Many residents of Lake Heights reside in planned, large-scale single family home neighborhoods situated on four lane avenues, several of which feature grand entrances with impressive landscaping, large ponds, and fountains. Not all of Lake Heights and the neighboring unincorporated cities are high-end; the city's housing stock has a spectrum of homes from those priced over ten million dollars to poorer residences lacking running water.

Predictably, the district's high achieving schools are located near the more affluent areas and have high enrollments of White and Asian/Asian American students.

The less affluent residential communities located in Lake Heights' surrounding neighborhoods and areas closer to the adjacent city core largely serve working-class Latino and African American families. As an example, Whites and Asian comprise 80 percent of the district's highest achieving high school that is located in an upscale area of Lake Heights while 97 percent of students at the district's lowest achieving school located in a working class area are Latino and African American (Lake Heights ISD, 2014). Race, ethnicity, and social class trends have resulted in a tense context for implementing school choice policy.

Lake Heights ISD Overview

Lake Heights and the neighboring bedroom communities are primarily served by the Lake Heights Independent School District. The district was formed in 1959 through consolidation of two neighboring LEAs and would not be racially integrated until implementation of the district's desegregation plan in 1965 (Lake Heights ISD, 2014). In addition to serving Lake Heights, students from two smaller suburban towns and the fringe of a nearby large city attend LHISD schools. Lake Heights is one of the larger districts in the state with an enrollment exceeding 65,000 students and nearly nine thousand employees (Lake Heights ISD, 2014). The district serves a very large land area, nearly 160 square miles, and includes slight urban fringe, suburbs, and undeveloped exurban lands. The LEA operates ninety facilities including nearly fifty elementary schools, a dozen middle schools, and a dozen high schools (Lake Heights ISD, 2014). On the district's website, the general information section boasts that the local property tax rate is one of the lowest in the MSA and has not increased in recent years (Lake Heights

ISD, 2014). This can be directly attributed to the district's ability to garner more than adequate funding from the community's upscale commercial and residential properties. This unfortunate fact is something that less affluent LEAs are not able to take advantage of, resulting in greater reliance on state tax aid, higher local property taxes, and provision of fewer services.

Lake Heights ISD students come from various racial, ethnic, linguistic and cultural backgrounds making it the one of the most diverse districts in the state of Texas and United States (Lake Heights ISD, 2014). The Texas Education Agency's school report card depicts that district's students are approximately 25 percent African American, 26 percent Latino, 25 Asian, and 21 percent White (TEA, 2014). Lake Heights ISD student demographics are featured in Table 5 below.

Table 5

Lake Heights ISD Student Demographics

	Lake Heights ISD	State of Texas
African American	25%	12.7%
Asian, Asian American	25%	3.7%
Latino	26%	51.8%
White	21%	29.4%
Economic Disadvantage	30%	60.2%
English Learners	15%	17.5%

LHISD's student demographics are dissimilar from the city of Lake Heights proper since the district draws students from communities on the fringe of the city core and two other bedroom communities. To reiterate, the majority of the district's African American and Latino students reside in the neighborhoods bordering the city core or in the communities

surrounding Lake Heights proper. In comparison to the state, the district has demographic conditions that are frequently associated with higher levels of student success. 30 percent of Lake Heights' students reside in economically disadvantaged households, compared to 60 percent of students across the state. Moreover, the district's percentage of EL students is approximately 3 percent lower than the state's while the mobility rate is nearly 6 percent lower (TEA, 2014).

Lake Heights ISD schools academically outperform other schools throughout the state. The district's website indicates high student achievement ratings for its schools by citing that only one out of district's seventy campuses was identified as an 'improvement required' location by the TEA in the 2013-14 school year, with all of the other campuses meeting state standards (Lake Heights ISD, 2014). Further review of the state's district report cards confirms that many of the district's schools attain performance level scores nearly double the state's target scores (TEA, 2014). Lake Heights also operates several elementary, middle, and high schools performing at or slightly under Texas' academic performance target scores (TEA, 2014). Unsurprisingly, and unfortunately, many of LHISD's academically struggling schools are located a great distance from the affluent commercial and residential core of the Lake Heights in a comparatively older, densely settled, working-class African American and Latino neighborhoods that immediately border the city core. The academic achievement scores of the district's higher performing high schools are nearly twice as high as the lower achieving schools. The student economic disadvantage percentage is nearly ten times higher at the one underperforming school than the district's highest performing campus (TEA, 2014). LHISD's demographic

and academic achievement disparities have resulted in a rather contentious implementation of school choice.

School Choice Implementation in Lake Heights ISD

Lake Heights' large service area and socioeconomic and racial/ethnic diversity result in an interesting policy context. To fulfill the research goals of this study interviews were conducted with Lake Height ISD's superintendent, two program/policy administrators, two school board members, four principals, and a community member with children currently enrolled in LHISD schools. To address research question one, which seeks to identify how district leaders operate school choice, interview participants were asked to describe the various operations, timelines, and methods of choice managed by the district. Several accompanying sub-questions were posed to better understand the factors considered when creating a supply of receiving schools. Additionally, participants were asked to compare high and low demand school sites by student demographics and academic achievement. Interview participants then explained how external groups seek to influence school choice policies. Finally, interview participants were asked to identify the resulting implications of the district's school choice policy for equity and access to high performing locations. Several themes developed from these inquiries and are described in detail below.

Policy context. The district leaders, particularly the superintendent, explained that fiscal conservatism is a primary value held by the local community and drives much of the district's decision making. To illustrate, they described that the district strives for efficiency in all operations to prevent what local residents may perceive as misuse of tax

dollars. Although there are low-income households, the school district also serves a large, affluent, politically conservative population. As indicated by recent school board elections and the development of education advocacy groups, this segment of local elites is politically mobilized and influential in driving choice policy.

Interviews with the superintendent of LHISD and choice program administrators described that school facility capacity is the foremost factor in the district's management of school choice, especially in a community where efficiency is highly valued. The leaders explained that the large, rapidly growing district has many schools that are excessively overcrowded and that use of portable classrooms is common, especially the more affluent areas with high performing campuses. Although much needed, new school construction is pursued conservatively so that tax funds are not used to overbuild campuses.

The central office leaders and school principals all noted that the school district has experienced rapid, nearly exponential, growth in the past two decades. Consequently, Lake Heights has several massive, still-developing, planned communities containing homes ranging from $175,000 to $3,000,000. The district superintendent remarked that some homes are valued over $10,000,000 within a mile of the LHISD central office; a keen reference to the constituency district serves. A high school principal interviewed for this study, whose school is located adjacent to a developing master-planned community, noted that the neighborhood will eventually contain over 5,000 homes. She further explained that the recent growth has resulted in changing school demographics at her campus and has observed a decreasing number of African American students while the

Asian/Asian American student population is climbing. One of the school board members confirmed this trend by observing that many affluent Indian and South Asian families have moved into this specific community. There are several other portions of Lake Heights that are primarily settled with Chinese and other East Asian residents as well. Of great importance, while this bourgeoning community continues to develop, it is not located in an area zoned to LHISD's two highest performing campuses. Further, unlike Flatlands ISD's open enrollment choice plan Lake Heights primarily uses a residential assignment policy to populate schools. This results in widely different student enrollment demographics across LHISD schools. This fact has major implications for school choice as the students and parents of the aforementioned neighborhood clamor for options to transfer to the district's best schools.

The district's superintendent, board members, policy administrators all noted that education policy and programming has been politically tense in recent years. The superintendent is currently in his second year of service following a volatile round of school board elections that resulted in the unseating of all but one board member and the departure of the previous superintendent. The board members and two principals identified school attendance boundaries and the district's addition of academies as the key issue driving the electoral rout. They continued by explaining that prior to the last board election, school boundary lines were redrawn in an affluent portion of the district containing some of the state's most prestigious and high performing high schools. Redrawn school boundaries and the addition of academies at the district's schools, particularly the high performing campuses, further plagued the highly sought after sites

with an over enrollment of students. Lake Height's residents, particularly the more affluent, mobilized and ousted the previous board for their efforts.

The current superintendent noted that as a response to the community's dissatisfaction with the previous leadership, he has created a new student affairs department to manage the district's school choice policy and respond to residents' concerns. In further explaining the context in which the district operates, the student affairs administrators and two principals asserted that LHISD is in competition with the local private schools which are numerous and popular options for Lake Height's upper-strata community. Indeed, several interview participants remarked that the large affluent population residing in the district could easily afford to enroll their children in private schools if displeased with a school and/or the district. This fact bears clear implications for maintaining favor with the affluent and politically powerful community. The district leaders perceive that a mass exodus of wealthy families to private schools is conceivable and would result in the loss of per-pupil funding, school community foundation financial support, and political coverage. Additionally, the affluent flight would be reflected in student demographics, since the majority of the Lake Height's affluent families are White and Asian. Although not stated by interview participants, it is likely that schools' academic performance ratings may also shift as schools would disproportionately serve a low income and working class Black and Latino student demographic, populations that historically have had less access to resources and who demonstrate lower academic achievement when compared to their affluent White and Asian peers.

Multiple modes of choice. Interview participants further explained that Lake Heights ISD implements school choice policy, which they often referred to as student transfers, in four distinct forms. It is important to note that the district has long-experienced a feverishly high-demand to attend the high performing cluster of schools located in the affluent White and Asian neighborhoods of Lake Heights. The student affairs program administrators explain that the first choice option is a general transfer. LHISD provides families an opportunity to perform a general transfer to district campuses that are classified as open. The student affairs department allows families to complete an online application for a general transfer within a brief two-week window. Interestingly, the only high schools classified as open for general transfers are the district's two lowest academically performing campuses. Given this fact the general transfer is not a popular option.

The second method of school choice in Lake Heights ISD is academic performance-based transfers. Per NCLB and state policy, students are permitted to transfer to another school if their location is designated as needing improvement for two or more consecutive years. As previously mentioned, Lake Heights has several middle and high schools, all located in low-income and working class Black and Latino neighborhoods, that have low academic achievement rates. One of the high schools is currently designated as an improvement required campus with the other recently emerged from this status. Students residentially assigned to these underperforming schools are permitted to transfer to higher performing campuses within Lake Heights ISD with the district providing bus transportation.

The choice policy administrators revealed that their student affairs department pre-selects receiving school sites to which students may transfer. They continued by explaining that the receiving school sites are selected based on building capacity. This distinction has major equity implications as students may only be given options to attend other campuses performing marginally better than their home campuses; they also may have to attend schools a great distance from their homes. Interestingly, the district selected two high school sites to which students assigned to the two historically lower achieving locations may transfer. The two underperforming schools are located in the eastern portion of the district; however, one of the designated receiving sites is in the district's northern community and the other is located in the south-eastern neighborhoods. Each site is over ten miles away from the underperforming high schools. Moreover, neither receiving site is located in the affluent communities that are closer to the underperforming campuses, nor are they the district's higher performing campuses. This finding will be discussed further in the final chapter.

The third form of school choice offered in LHISD relates to extenuating circumstances. This is one of the more complicated choice methods that principals and student affairs staff contend with in their attempts to manage transfers. In addition to allowing children of employees to attend alternate schools, Lake Heights permits students to transfer schools if they are experiencing overwhelming difficulties at their residentially assigned location. Transfer requests may be granted in bullying situations, mental health crises, family violence, and other similar situations. The student affairs office then works with school principals and the family to find a new school, which is very seldom at the

over-crowded high demand schools. The policy administrators reported that families granted a circumstance-based transfer often decline to accept the district-provided new school placement option if it is not one of the highly demanded high performing campuses. These scenarios where students elect to remain at their residentially assigned school often reveal trivial, if not fraudulent, transfer requests.

The fourth variation of school choice in Lake Heights ISD technically is not a school choice policy or program. LHISD operates several academies at the district's high schools. The academies are themed and are typically associated with career fields; examples include medical, STEM (science, technology, engineering, math), and international studies. The academies were implemented by the previous superintendent and were a major contributing factor for his and the previous school board's ouster. Interview participants reported that the academies were intended to bolster the district's career and technical academic programs. Although the academies were also implemented at high achieving the locations, district leaders primarily aimed to draw higher performing students to LHISD's academically struggling high schools, thus raising school-wide achievement scores. One of the participating school board members characterized the academies as repackaged magnet programs. The academies range in student enrollment from 400 to nearly 1,000 and operate at nearly half of the district's high schools, including the highest performing site.

The academies have varying degrees of competitiveness for entry with some requiring interviews and work samples. The student affairs administrators and board members asserted that many LHISD families use the academy programs as a form of

school choice to gain access to the higher performing schools located in the affluent White and Asian neighborhoods. The board members reported that they recently explored student enrollment data at the district's academies and found that a majority of academy students are Asian and Whites that do not reside in the neighborhoods of the schools they attend via academy enrollment. This scenario finds that a certain segment of Lake Height's Asian and White families use the academy programs to as a mechanism to choose into the district's higher performing schools that predominantly serve upper-strata Asian and White students. The school board members further expressed that the enrollment of academy students does not reflect the district's socioeconomic and racial/ethnic diversity. Finally, the interview participants noted their observation that the courses and programs nested in the academies are not markedly different than the overall school programs. The board members suggested that families of students would demand to remain at their new alternate school even if the academy program were dismantled, as their primary intention was to gain access to the high performing school, not attend the academy programs.

A Constrained Supply of Receiving Schools.

One of the primary aims of this study is to understand how school sites are identified as open to incoming student transfers. Lake Heights ISD's student affairs office manages the district's four student transfer policies. Interviews with the policy administrators provided much information regarding the operation of a school choice program in a politically heightened schooling environment. The interviewees first explained that the district contracts with an external demographer that provides

population projections and student demographic data to inform programming and facility use decisions. The administrators then noted that Lake Heights utilizes an 80 percent facility capacity metric that they deem as the common threshold used across the nation to assess whether a school is under or over capacity. Schools exceeding the 80 percent student enrollment capacity threshold are then designated as closed sites in which transfer requests are not generally granted.

Years of rapid population growth have resulted in the majority of Lake Heights ISD schools exceeding the enrollment capacity threshold. The policy administrators stated that some school locations are at 120 percent capacity. The over enrollment situation at one of the district's elementary schools has become so severe that enrollment has been capped. This action means that families purchasing homes across the street from the school literally cannot enroll in the school; their children have to attend an alternate, nearby, school. Further, the district has moved the fifth grade class of one school to a feeder middle school due to capacity limitations. Only three of the district's eleven high schools have enough capacity to be categorized as open sites; two are routinely in danger of not meeting accountability targets. Subsequently, students receiving a performance-based choice option only have two viable campuses from which to choose. The schools far exceeding the capacity thresholds are the higher performing campuses primarily serving affluent White and Asian students. The implications for utilizing school choice are complicated for many families as the higher achieving schools with the highest demand for transfers are not available options. Unsurprisingly, schools with the most enrollment space and lowest demand for transfers have academic achievement rates

marginally better than ‘improvement required’ campuses and primarily serve working class Black and Latino students.

Processing of the choice applications happens at different times during the year, depending on the specific choice program. Extenuating circumstance transfers are processed throughout the school year on a case-by-case basis. Students desiring to participate in an academy apply directly to the program in the spring semester; academy personnel manage all admission functions in advance of the fall semester. Students desiring a performance-based transfer are automatically admitted to the open campuses they select upon expressing interest when accountability scores and ratings become available in the late spring. The processing of general transfers is slightly more complex than the other choice methods. The student affairs department determines enrollment capacities at the district’s schools and then considers transfers by grade level. This process allows some school sites to be open at varying grades resulting in high schools accepting transfers for ninth and tenth grade but not eleventh and twelfth.

Each spring the district advises parents to complete the online transfer application that features a school ranking methodology. Students are then placed in a queue on a first come, first served basis for available seats at their selected schools. Two points are vital to mention. First, children of LHISD faculty members are given first priority in transfer placement. Second, the transfers are processed based on when applicants submit their requests, possibly benefitting families with greater access to information, technology, and time. Policy administrators also noted that they collaborate with the district’s facility management department in using an address confirmation software program. The

interview respondents reported that this step is essential since the department receives fraudulent enrollment information from families attempting to enroll their children in Lake Heights' most popular schools.

The policy administrators remarked that they attempt to be fine-detailed in their analysis in order to provide consistently accurate information and procedures for school personnel and families desiring transfers. Interestingly, both the program administrators and principals commented that the school choice procedures are now highly systematized, completely policy-driven, and transparent. This point is hugely important as it indicates a shift from recent, site-based transfer practices. Nevertheless, school principals have been able to retain a degree of agency through an ability to access a database with student information. One building leader remarked that she is able to review transfer applicant attendance and discipline records prior to granting or denying a transfer to her campus.

Competition and demand. Lake Heights' use of the 80 percent capacity regulations constrains the supply of receiving school sites available for choice. Additionally, the presence of the academies, several being academically competitive, with non-neighborhood student enrollments in the hundreds further diminishes enrollment space in the district's most desirable schools. When coupled with rampant student enrollment growth, these two factors severely limit options for choice transfers to the district's high performing schools. In totality, these factors have created severe competition for access to Lake Heights' higher performing schools that are mostly attended by White and Asian students from affluent families.

The most competitive campus in Lake Heights ISD is Superior Pond High School. The campus is located adjacent to Lake Heights' town center in a very affluent country club community with homes priced in the millions. Interview participants reported that homes in the school cluster that are in poor condition rapidly sell at premium prices as parents strive to have access to the high school campus and its feeder schools. Superior Pond High School is one of the state and nation's highest achieving campuses from which many graduating students attend prestigious state and Ivy League universities. Predictably, the school is not demographically representative of the district as it primarily serves affluent Asian and White students. Superior Pond has an economically disadvantaged rate of seven percent and Latino and Black students comprise just 15 percent of the school's population; the remaining 50 percent of the students are Asian and 30 percent are White (TEA, 2014).

The district superintendent and board members candidly indicated that many of the district's Asian families go to extremes to gain access to Superior Pond and its feeder elementary and middle schools. They offered personal perceptions commonly associated with model minority stereotypes that many of the Asian families place a high cultural value on education and pressure their children to perform well. With the Superior Pond school cluster being incredibly expensive, many families cannot afford a home within the school boundary. Additionally, the school building is over capacity and is categorized as closed to choice transfers. LHISD board members asserted that many families residing outside of Superior Ponds' attendance zone utilize the school's International Studies Academy, the district's most academically competitive, as a backdoor school choice

mechanism. They continued by reporting that less than ten of the academy's four hundred students actually reside in the Superior Pond attendance zone. Unlike the academies at LHISD's lower performing schools, no mention was made that Superior Pond's International Studies Academy was designed to draw a diverse segment of students from across the district. The academy requires an extensive admissions process and is the district's most academically competitive. The board members reported that the academy it is not at all demographically representative of the school district as the vast majority of students are Asian and the economic disadvantage percentage is 10 percent. These data points indicate that the district's well-resourced students have an advantage in gaining and demonstrating the academic skills needed to be admitted into the academy. Although two other high achieving high schools are located nearby, the administrators continued by mentioning that families not able to access Superior Pond through home purchases or academy enrollment often resort to the many private school options in the area. Indeed, many Lake Heights families perceive that the stakes are high which results in an extreme form of competition to access the district's best schools.

Perhaps the most striking sign of the severity of competition is the district's constant monitoring of families' falsified transfer requests. Principals and policy administrators explained that on multiple occasions each year families fabricate claims of bullying and mental distress when pursuing a transfer. This has become such an issue that principals must launch investigations by interviewing staff and students as well as seeking doctor's letters to confirm that an extenuating circumstance exists. Families' demands to attend Lake Heights' higher performing and less racially/ethnically diverse

schools that are often regarded as some of the best in the state, are so great that they intentionally falsify documents and medical claims to manipulate the school choice policy. This problem has persisted for years, and will likely continue to.

Lake Heights' central office staff, particularly the student affairs division, has responded to the incidences of attempted perversion of choice policy by conducting address confirmations and encouraging school administrators to confirm extenuating circumstances. It is important to note that the vast majority of these district structures were implemented in the within the last two school years. Both the principals and student affairs administrators indicated that until recent reforms, more school sites were categorized as open and students could transfer into them with greater ease. The arrival of the current superintendent and his creation of the student affairs division altered past practices in an effort to standardize school choice transfer operations that previously were managed with a laissez faire approach. Interview data from district program leaders and principals indicate that school transfers were almost entirely within the domain of individual principals with little, if any, accountability from central office leadership. This finding is clearly troubling as the process was given to parent manipulation, especially affluent parents with the social and political savvy needed to get their children into the district's most desired schools.

Transportation

Transportation is a key element in operating school choice initiatives. Interviews with Lake Heights' superintendent, program administrators, board members, and principals indicate that transportation has been, and currently is, a contentious issue in the

district. First, the district leaders reported that, per established law, Lake Heights provides transportation for all students participating in PEG transfers. The district operates a school bus cluster network where participating students residentially assigned to academically underperforming schools are taken to their selected alternate school. To reiterate, the district pre-selects two options for performance-based transfer students, one is in the far north of the district, the other in the far south. Interview participants noted that commutes to and from school frequently exceed forty-five minutes for the participating students that reside in the eastern portion of the district bordering the city core. Depending on the routes, students participating in performance-based transfers often pass LHISD's high achieving schools on the way to their alternate locations that perform only marginally better than their home schools. The lack of access to the higher performing campuses and long commutes likely are a disincentive to participate in school choice, especially for families depending on the district-provided bussing.

Interestingly, Lake Heights provides bus transportation for students participating in the district's several academies. This issue has been of great consternation due to its equity implications. As mentioned earlier, several of the district's academies have highly competitive entry requirements that low income and students of color frequently find difficult in meeting. This results in a disproportionate enrollment of affluent White and Asian students participating in academies. Moreover, the school board members reported that until recent reforms, the district essentially operated a "limousine service" of buses to shuttle academy students to their alternate school sites. They continued by mentioning that the transportation plan was highly inefficient and costly, as some large buses were

used to transport less than ten students across the district. Lake Heights ISD has recently altered its academy transportation network and now requires academy students to cluster at selected locations for pickup and transport to their school sites. As a response to this policy change, the families of academy students organized and have hired several private van services to offer door-to-door transportation to the schools outside of their attendance zones. Thus, transportation options for families that cannot pay for private shuttles or take their children to a designated pickup location are less equipped to take advantage of non-performance based choice transfers or academies.

Community Input and Influence

A major component of this study seeks to explain how individuals and groups who are not employed by or formally associated with the district, influence school choice policy. Inclusion of this concept is meant to determine how school district officials respond to community advocacy, especially efforts initiated at the behest of more affluent and influential segments of the community. LHISD's superintendent and program administrators did not report high levels of parent engagement concerning the school choice transfer process. The student affairs staff relayed some level of community outreach in past years but did not note any new initiatives to involve the community in recent school choice policy reforms. The district's superintendent forthrightly stated that, "This sounds paradoxical, but there are certain things there's just no point in talking to the community about". This notion reflects LHISD leaders' awareness of the culture of high-stakes school access that families subscribe to, if not the fraudulent efforts they are willing to participate in to gain access to the best schools. Moreover, the district's leaders

asserted that they are acutely aware of the higher income community's desires, therefore diminishing the need to discuss some topics. Of great importance, some community members' preferences are staunchly opposed to providing equitable and increased access to higher performing schools.

Lake Heights ISD's leaders reported that increasing community engagement, in general, is a priority for the district. In working toward this initiative the district has contracted with an education consultancy firm that specializes in garnering community feedback for school districts through internet-based commentary. Since this platform is in its infancy it is uncertain how the district will utilize the community's perspectives. The newly elected board members were comparatively more directly engaged with their communities' policy preferences. They reported visiting neighborhoods, primarily the affluent communities bordering the high performing schools, attending community meetings, and board meetings as primary efforts to maintain engagement with Lake Heights residents. Many of the most vocal and influential community stakeholders favor policy positions that advance the interests of the district's more affluent White and Asian population while largely disregarding LHISD's low income and students of color. Interestingly, the superintendent and student affairs program administrators reported strategies that resist such community pressures likely resulting in greater inequitable outcomes.

Policy influence. As mentioned earlier, school choice policy has recently been centralized and formalized in Lake Heights ISD and is solely managed by the district's student affairs division. Every interview participant communicated that the central office

determines which schools are considered receiving sites as well as the procedures to be followed to participate in the four forms of school choice. The district's academies, which many families use as an alternative method of school choice, are managed at the school level by principals and academy coordinators. One student affairs program administrator and both school board members confirmed that school leaders manage the academies and determine enrollment criteria and procedures. This laissez faire approach to academy management results in varying degrees of competitiveness for the district's academies, some of which are located at the higher performing high schools desperately sought for choice transfers.

The participating school board members reported several other avenues by which policy is influenced by individuals and groups not formally associated with the district. The board members also stated that until recently the community, specifically the neighborhoods surrounding the high performing campuses, did not feel that their concerns were seriously considered by the district's senior leadership. This has resulted in the formation of several interest and advocacy groups. The majority of the community groups' priorities are centered on school attendance boundaries and the presence of the academies at the high performing schools. The interest groups are seeking to reverse the most recent round of school attendance boundary rezoning that occurred several years ago resulting in the wave of school board electoral defeats.

Two other school advocacy groups are in opposition to each other in their regard for and against the academies. One of the groups is seeking to remove the academies located at Superior Pond High School and another higher performing campus. The board

members explained that this group aims to restore the previous school attendance zones and dismantle the academies in order to increase student enrollment capacity at the higher performing schools for students from the immediate neighborhoods. The opposing community advocacy group is seeking to maintain the academies at their current sites so that their children can continue attending LHISD's best schools that they otherwise would not be able to attend. In addition to these groups, the board members commented that a mayor of a community served by LHISD has attempted to influence school choice policy by refusing to allow his jurisdiction be rezoned. This action has prevented the neighborhoods originally zoned to the higher performing schools from being reunified with their former residentially assigned schools. This unique mix of new senior leadership, a newly elected and activist school board, and community interest groups provides for a complex policy implementation and monitoring context.

Race, Wealth, and Contention.

Lake Heights ISD is one of the nation's most racially, ethnically, and socioeconomically diverse school districts. This mix of many different groups has resulted in divergent and disparate interests and education policy preferences. In further describing the district's context and how LHISD leaders respond to competing interests, the district's superintendent noted that Lake Heights is greatly affected by increasing income inequality and socioeconomic segregation seen throughout the nation. He continued by reporting that the district experienced dramatic White flight in the preceding decades and that the less developed and more affordable neighboring county and its second-ring suburban communities are growing as middle-income Whites settle there

instead of Lake Heights. Additionally, he explained that Lake Heights is also experiencing rapid growth of its affluent Asian and White communities as well as low-income Black and Latino communities. As seen in many locations across the nation, Lake Heights is experiencing growth of its rich and poor populations as the middle class diminishes.

The most poignant remark offered by superintendent concerned his perceptions of race relations in the district. The superintendent offered his perception that LHISD's large Asian community, specifically Chinese and Indian families, have the highest rates of requests to transfer out of schools with high proportions of Black and Latino students, he believes have discriminatory attitudes on school diversity. The superintendent stated the following:

> In a diverse community, you also deal with the reality that Asians don't like Blacks, and so are they going to want to be zoned to a school that today is predominantly Black, even though a largely Chinese community is adjacent to some of the schools where a lot of the Black citizens live and their children attend? If we draw a boundary that takes them over there, we're likely to experience flight or enrollment in charters and private schools, because they don't want to go to school with Black people.

The superintendent, board members, program administrators, and principals noted that a vastly disproportionate percent of choice transfer requests and academy enrollees are from Asian families attempting to flee their residentially-assigned schools that have high Black and Latino student enrollments to attend the higher performing predominantly affluent White and Asian campuses.

Through recently requesting and reviewing academy student enrollment data, one of the school board members observed that Lake Heights' White, Black, and Latino families

do not express much interest in the academies and prefer to remain at the schools in their communities. This assertion is questionable as it contains an underlying assumption that lack of participation is attributed to preference. Alternatively, low academy participation rates could be due to a variety of other factors such as limited transportation options and a sense of 'belonging' in schools that are quite different from those widely attended by LHISD's low-income and students of color. As an example, the academy located at Superior Pond High School is less than ten percent Black and Latino and less than 10 percent economically disadvantaged. Of great importance, the presence of the academies at the district's higher performing high schools is troubling for many other parents and students. Students residentially assigned to the locations face both overcrowded campuses and extreme academic competition with hundreds of extremely high performing academy students added to their schools. This makes it increasingly difficult for many students to gain entry into the top echelon of their graduating class, thus benefitting them with automatic admission to any public Texas university. One of the participating board members predicted that there will likely be uproar at one of the high performing schools as the math and science academy continues to grow and academy students crowd out those from the surrounding neighborhood.

A principal of a high demand and high performing school noted that families often purchase upscale homes in her school's attendance zone without knowing that the boundary is large and includes working class Black and Latino neighborhoods. She continued by explaining that after learning this fact some parents withdraw their children and enroll them in private schools so that they do not have to attend a diverse school.

Lake Heights' student affairs program administrators noted that some families blatantly mention race as the prime reason for a transfer. The program administrators and one of the principals provided anecdotes describing Asian and White family's angst that their students are vastly outnumbered in their residentially assigned schools. Conversely, one of the principals described that affluent Latino and Black families occasionally request transfers to schools predominantly serving White and Asian students. This scenario was further expanded when a program administrator described a recent exchange with an African American parent demanding a transfer because he did not want his child going to school with so many other Black students. This scenario highlights intra-race class divides as the district occasionally fields transfer request from upper-middle class Black and Latino families demanding that their child attend a school with other affluent students.

Parental policy manipulation. The program administrators and a principal described the implausible tactics that some families attempt in order to circumvent established choice policy and procedures. They reported that the high frequency at which affluent families request transfers reflects a sense of entitlement. Specifically, they perceive that some families feel that their purchase of expensive homes in the district should grant them access to any school they would like, most often Superior Pond High School. Shockingly, the administrators reported that some parents resort to threats of legal action, political connections, and offering monetary bribes to gain access to the highest performing schools. The program administrators continued by describing instances of parents literally crying and begging for a favorable transfer. This astounding

finding reflects the extreme anguish some families experience regarding their child's education and future prospects.

The level of attempted policy manipulation is perhaps predictable given the district's diversity, sizeable high-income community, and the esteem that many families have for education. However, a participating principal provided an explanation of the pervasiveness and extremity of some families' transfer tactics. The principal indicated that prior to the arrival of the new superintendent and the creation of the student affairs division Lake Heights' school choice policy was not consistent. With no central office staff managing the policy principals were able to accept and deny transfers with no accountability. Moreover, since most of the district's schools were designated as receiving sites in the past, principals typically granted transfers as requested. These disconcerting practices of occurred for years while establishing a culture where families, especially those with social and political savvy, were able to lobby their children into the schools they desired. It is imaginable that parents and students lacking the social and cultural capital to advocate for such transfers were less effective at navigating the district's former choice transfer procedures.

Policy Implications

The second research question aims to identify the outcomes of school choice implementation in the selected school districts. Interview participants were asked to identify both positive outcomes and areas of opportunity stemming from the school choice options. All interview participants reported a level of ambivalence with the transfer policies. In separate settings the district superintendent and program

administrators both described that the policies provide some level of choice, although highly limited, students are not completely stuck in one school. Moreover, one of the principals noted that students and families desperately seeking to attend a different school may end up feeling more connected and accepted at an alternate location. The board members indicated that although the academies present unique challenges, they allow students to gain varied levels of exposure to several industries and career paths. One principal provided the most notable positive implication of the district's choice transfers and academies in positing that they have the potential to increase access and equity for low-income and students of color, if managed correctly. Specifically, the district's economically disadvantaged Black and Latino students who disproportionately attend lower achieving schools have an opportunity to attend two better performing high schools. No additional commentary was offered to suggest exactly how students often fair once enrolled in one of the district's two receiving school sites.

Interview participants identified a variety of concerns associated with Lake Heights' implementation of school choice transfers and academies. The district's superintendent noted that the cost of managing the choice policy is considerably expensive. He continued by outlining the expense of hiring staff to manage the transfer processes as well as the required bussing of performance transfer and academy students. Two of the principals interviewed for this study offered responses associated with the social costs of the district's school choice program. In separate settings they observed that high levels of transfers stand to diminish the sense of community that residential assignment provides. Specifically, the principals suggested that students residing in

outside neighborhoods may experience difficulty establishing close social bonds, participating in in extra-curricular activities before and after school, and interacting in the external community.

The school board members offered the most critical reviews of Lake Heights ISD's use of academies as a veiled form of school choice. It is important to note that both individuals were essentially elected as reform candidates to reverse recent changes to school boundaries and the implementation of the academy programs. The first observation noted was that the presence of the academies has caused severe overcrowding at several of the district's schools, especially the higher performing campuses. They continued by explaining that students and parents do not complain about the schools' over-enrollment, as they are pleased to have gained access to the campuses highest in demand. The board members also noted that the academies are not genuinely attracting diverse students as originally intended. They further noted that the academies with competitive admissions standards engage in targeted recruitment of high performing eighth graders at the LHISD middle schools with honors programs that do not serve a diverse student demographic. This results in the competitive academies, which also are located at the highest performing schools, being primarily comprised of Asian and White students.

Although Lake Heights ISD offers academies at two high schools primarily attended by Black and Latino students, White and Asian students do not enroll; only with the exception of the medical-academy. The board members expressed concern about an outflow of higher performing students from mid and lower performing schools which has

a repercussion of decreasing diversity as the concentration of low-income Black and Latino students is increasing at LHISD's academically struggling schools. The primary equity concern for this scenario is that the use of academies as school choice in Lake Heights ISD is reinforcing an environment of 'haves and have nots', thus perpetuating socioeconomic and racial segregation in the district.

Conclusion

Implementation of school choice policy has created a heightened sense of political and social discord in Lake Heights ISD. Research conducted for this study reveals a permeating frustration for Lake Heights residents and school district officials. Unique to this case, the use of school choice has further complicated the existing market for access to high achieving schools in LHISD. Of particular note, the district's use of the 80 percent school capacity cutoff has extremely restricted the supply of receiving school sites, particularly LHISD's higher performing campuses. The addition of academies, especially those located at higher performing campuses, requires student enrollment space to be reserved further inflaming parent and student anxiety. With the exception of the discretion given to principals and coordinators for academy admissions, LHISD district and school leaders have responded to the excessive demand to attend the LHISD's prestigious schools by implementing a series of strict guidelines. It is their goal to prevent the high level of policy perversion or dominance by community elites that was observed in the recent past.

Several key implications for equity emerge in the findings discussed here. The maintenance of competitive academies does not expand access to high performing

schools for a diverse representation of Lake Heights' students. When coupled with higher performing schools being closed to student transfers, low-income and students of color have few avenues to attend LHISD's best schools. Similarly, transportation remains a troublesome issue as students utilizing PEG transfers must endure long commutes to mid-level academically performing schools. Equity implications in transportation exist for students attending the district's academies as well. However, since the majority of academy enrollees are from well-resourced families many of these students have private door-to-door transportation expediting their travel to alternate schools. Low-income non-academy transfer students are not able to benefit from such an arrangement. Perhaps the most notable observation in the Lake Heights ISD case is that lack of advocacy for low-income and students of color. Interviews with school district leaders and community members reveal that much of policy development and advocacy in LHISD favors the interests of Lake Heights' affluent White and Asian residents. The following chapter features an application of this study's theoretical framework to comparatively analyze school choice implementation in Flatlands and Lake Heights ISDs. The final chapter then offers an analysis of the effectiveness of school choice policy and recommendations to improve access and equity.

Chapter Six: Comparative Analysis and Policy Recommendations

The sixth and final chapter of this study provides a comparative analysis of school choice implementation in Texas' Flatlands and Lake Heights Independent School Districts. The chapter begins with a review of the research agenda including the questions used to guide the study. A discussion of the school districts' context and forms of school choice operated follows the introduction. An overview of the theoretical lenses used for the comparative analysis between the two school districts is then provided. The chapter includes several primary findings that emerged upon consideration of school choice implementation in both school districts. The chapter then concludes with policy recommendations for ensuring and increasing equity and access in Flatlands and Lake Heights ISD's school choice policies.

Review of the Research Agenda

This comparative qualitative analysis of school choice implementation was designed to examine the process by which school districts create a supply of receiving school sites. The study was particularly intended to identify whether performance-based intra-district school choice lives up to its promise of increasing access and equity to higher performing schools for disadvantaged students. Interviews were held with school district superintendents, associate superintendents, school board members, program administrators, principals, and community members. To fulfill the mission of this study research questions aimed to identify the procedures used by districts to manage school choice policy. Additionally, the questions sought to uncover and examine the policy

implications for students participating in the districts' school choice programs. The research questions are:

1. How do school district officials (policy directors, leadership team) implement performance-based intra-district school choice policies?
    1a. What factors are taken into consideration, i.e.-- student demographics, spatial elements, anticipated participation, etc., in generating the supply of receiving schools?

    1b. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to districts' schools as a whole?

    1c. How do groups outside of district staff influence the selection decisions?

2. What are the implications of school choice policy for access, equity, and opportunity?

District Overviews

Flatlands ISD. The first case study school district featured in this is Flatlands ISD. FISD is located in Flatlands, Texas, a suburban and urban community immediately bordering a large metropolis serving over 50,000 students. Flatlands ISD students come from diverse racial/ethnic backgrounds and over half are economically disadvantaged. The district also serves two still developing middle class suburban communities with larger, new homes. In opposition to national trends, even the newer suburban communities contain a considerable level of racial/ethnic diversity, although the vast majority of the district's Latino and Black families reside in Flatlands' more urban, low-income neighborhoods while White families primarily reside in the newly developing suburban areas.

Two school desegregation court orders led Flatlands ISD to implement its unique open enrollment school choice program. The district opens all of its elementary, middle, and high schools to choice every year. This feature also satisfies Texas' performance-based transfer policy as students qualifying for a PEG transfer may easily do so. Families are then required to rank their top three choices for schools; 97 percent are granted their first choice. Those who do not submit a choice form on time are manually placed at a campus. As required by the court orders, the school choice program administrators ensure that the schools maintain racial/ethnic balance through use of a 20 percent ratio preventing dramatic over or under representation of a particular race or ethnicity. This results in the majority of FISD schools mostly reflecting the district's overall student composition; however, the schools located in the suburban neighborhoods have higher White student enrollments and a lower percentage of economically disadvantaged students.

Although rare, students may be denied entry into their top ranked school due to student enrollment capacity, teacher-to-student ratios, and the court ordered ethnicity band. The district manually places students in another, usually the second ranked, school in these instances. Data from interviews with FISD leaders, a school board member, and community members finds that the choice program is not contentious due to its decades-long operation. Moreover, two participants reported that the community strongly values the choice policy and that great furor would result if the district ended open-enrollment choice and relented to residentially assigned schooling.

Lake Heights ISD. Lake Heights ISD served as the second case study school district. Lake Heights ISD is located on the border of another Texas metropolis and serves 65,000 students from the city of Lake Heights and a neighboring bedroom community. The district is one of the state's largest and most diverse. Lake Heights is decidedly more affluent than Flatlands ISD as only a third of students come from economically disadvantaged backgrounds. Although the district is diverse, its schools do not always reflect the spectrum of racial and ethnic diversity. LHISD's higher performing schools are located in Lake Heights proper and are predominantly attended by students from affluent White and Asian families. The district's Black and Latino students largely reside in the bedroom community and neighborhoods bordering the city core.

Lake Heights ISD operates school choice in several methods. Per federal accountability mandates LHISD offers students attending the district's academically underperforming campuses an opportunity to attend an alternate location. These performance-based choice transfers are made available at only two of the district's schools. District choice program administrators attributed the limited number of receiving school sites to all high school campuses because of exceeding student enrollment capacity. The two selected sites are not LHISD's higher performing schools. The district also offers opportunities for general school and hardship transfers. The fourth form of choice in Lake Heights technically is not school choice. The district has instituted career-themed academies located at both high and low academically achieving campuses. The academies range in student enrollment size and the programs located at high performing

schools have competitive entry requirements. The academies are by far Lake Heights families' primary method of securing transfers to the district's top performing schools.

In addition to a recent round of rezoning, the implementation of the academy program drew the ire of many Lake Heights residents, resulting in an electoral rout the previous school board and the appointed superintendent. LHISD's new superintendent has led a series of reforms including the creation of a student affairs division that manage school choice transfers. The student affairs administrators, new board members, and superintendent constantly contend with immense community and parent pressure to expand access to the district's high performing schools. The district's academies have remained controversial due to their lack of diversity, competitive admissions policies, and their use of student enrollment space that otherwise would be used for residential assignments. The future of academy transfers remains uncertain as the LHISD's senior leadership and board members pursue their reform agenda.

Review of the Theoretical Framework

Three theoretical lenses were utilized in the comparative analysis of school choice implementation in Flatlands and Lake Heights ISDs. As outlined in the literature review of this study, the Democratic Responsiveness, the Zone of Mediation, and Systemic Power theoretical frameworks are drawn upon to consider the themes that emerged from interviews. To briefly review, Democratic Responsiveness (Gilens, 2005) is grounded in the political science field and addresses how citizens' socioeconomic level influences public policy outcomes. Specifically, Gilens (2005) quantitatively measures policymakers' responsiveness to public demands and finds a strong relationship between

wealthy citizens' policy preferences and legislative and policy outcomes. The model finds that the likelihood of favorable policy outcomes strengthens with increases in wealth. In total, Democratic Responsiveness asserts that high-income individuals and groups have a disproportionately high level of influence in policymaking as politicians and other public officials pursue agendas benefitting their affluent constituents. The model is adapted here to assess if school district officials similarly respond to community elites in their management of school choice.

The second theoretical concept is The Zone of Mediation (Oakes et al., 2005) and describes how cultural attitudes affect the extent of educational reforms. This policy implementation framework considers schools and districts as institutions that play an active role in mediating norms and political preferences. The authors explain that culture and political attitudes influence how much reform will be tolerated at the local, regional, and national community levels. When applied to this study, local cultural values and political attitudes are highly likely to influence the reach of redistributive reform policies like intra-district school choice.

The third and principal theoretical component of this framework is centered on Systemic Power (Stone, 1980), a model that considers how the nation's socioeconomic system influences actors' political alliances, policy enactment, and outcomes. Systemic Power (Stone, 1980) highlights the role of vague influences on community decision-making. The framework posits that public officials intentionally align their policymaking with upper class interests at the expense of lower socioeconomic groups. The author then asserts that public officials are dependent on the nation's affluent citizens to advance

their political agendas and ensure successful terms. Systemic Power is differentiated from Democratic Responsiveness as it suggests that public officials pursue agendas without active petitions from the upper-strata individuals and groups they depend on. Indeed, Stone (1980) suggests that upper-strata citizens often do not, nor need to, actively assert their influence as public officials' will inevitably advocate for upper-class interests. The Systemic Power theoretical model is applied to this study to assess whether school and district officials maintain an allegiance to affluent and/or influential residents, thus shaping school choice policies to favor local elites.

Comparative Theoretical Application Across Themes

This section highlights the three foremost themes that emerged from research in the Flatlands and Lake Heights independent school districts. The theoretical lenses are applied to the themes to analyze and provide contrasts. The Democratic responsiveness (Gilens, 2005), the Zone of Mediation (Oakes et al., 2005), and Systemic Power (Stone, 1980) theories are used in varying degrees to address critical issues of creating a supply of receiving schools, transportation, community engagement and policy management, and diversity management that surfaced in the data. A general discussion of the district comparisons is then provided.

Theme one: The supply of receiving schools. The primary mission of this study was to discover the methods used by school districts to generate a supply of receiving campuses in performance-based school choice implementation. The interview data reveals great differences in the practices used by Flatlands ISD and Lake Heights ISD to provide increased access to schools. Flatlands ISD is particularly unique in that all

schools are receiving sites due to an annual open enrollment process. Flatlands utilizes its open enrollment choice policy that also fulfills performance-based transfer mechanisms by providing students at the district's underperforming campuses with opportunities to transfer to higher performing schools. Alternatively, Lake Heights ISD utilizes a strict enrollment capacity metric to determine the schools that qualify for incoming transfers. The student enrollment capacity metric restricts choice transfer to only two of the district's high schools. Though not underachieving, neither of receiving schools are academically high performing. The limited supply of receiving schools in LHISD is essentially unable to provide students residentially assigned to underperforming schools with an opportunity to attend high achieving campuses. The Systemic Power lens is applied here for further analysis of policy influence in the process of creating a supply of receiving schools.

Systemic power. The tenets of Systemic Power assert that policymakers, school district officials in this application, align their practices with the interests of upper-strata individuals and groups. This policy preference alignment is often undertaken without direct advocacy from elites as policymakers anticipate their needs and desires. Flatlands ISD's open enrollment plan directly results from two school desegregation court orders and is designed to promote equitable and increased access to the districts' higher performing schools. Within Flatlands ISD's plan all students, notably those at underperforming schools, have an opportunity to attend schools they prefer, as required by the state's Public Education Grant (PEG) performance-based transfer mandate. The implementation of open enrollment school choice as an accountability and integration

policy tool effectively inhibits FISD schools from becoming racially and socioeconomically segregated. Through strategic policy design instances of Systemic Power in creating a supply of receiving schools is inhibited. Flatlands student services personnel have no ability to advance the interests of Flatlands' affluent residents by restricting access to the schools serving their neighborhoods. Indeed, due to the court orders and utilization of open enrollment school choice Flatlands ISD officials are not able to create a supply of receiving schools that reserves enrollment space primarily for students from affluent families.

The process of developing a supply of receiving schools is vastly different in Lake Heights ISD and is susceptible to influence from local elites. Student enrollments in LHISD continue to grow rapidly and several of the district's campuses are exceeding capacity. The district has continued the practice of reserving enrollment space for students participating in academy programs that largely serve high performing affluent students not residentially assigned to the campus they attend. Lake Heights' higher performing schools host academies and are greatly overcapacity as families throughout the district seek access to the campuses through purchasing homes within school boundaries, pursuing general and circumstantial transfers, and participating in academies. Systemic Power is primarily manifested through the district's continued implementation of the academies. These programs, particularly those located at high performing schools, provide access to the campuses for affluent families that otherwise would not be able to attend due to their residential location in other school boundaries. In this instance the previous school board and superintendent, well aware of the intense demand for access to

the best schools, have provided a mechanism for families able to enroll their students in high performing schools via an academy. Further, the academies located at the district's top performing schools have competitive entry requirements that students from affluent backgrounds are better academically equipped to meet when compared to their low-income peers.

Consequences for lower-achieving schools. Outcomes from policy alignment benefiting upper-strata groups are stark for the school districts' supply of academically struggling schools. Flatlands ISD's student diversity, avid community engagement, and use of an open enrollment choice policy prevent greatly restricts the alignment to elite interests found in Systemic Power contexts. The situation is vastly different in Lake Heights ISD as school choice policy is much more amenable to well-resourced families. Interview respondents noted that high achieving students attending LHISD's lower-performing schools depart at high rates through performance-based and academy transfers. This trend results in the under-achieving schools having deeper concentrations of low-income, academically struggling students of color and thus greater difficulty meeting accountability targets. Systemic Power is apparent in the continued operation of academies in Lake Heights ISD that permits well-resourced groups to leave under and mid-range performing schools; further challenging these stressed campuses.

The interview participants further noted that increasing departures of students from Lake Height's underperforming schools limits the ability to strengthen the sense of community that is commonly found in residentially assigned schools. This concept was also noted in Flatlands ISD when a program manager and community member expressed

that many of the students choosing to attend schools outside of their neighborhoods are unable to participate in athletics and other extra-curricular activities that build an ethos of community. They further explained that many of these students are dependent on the district's school bus network and must leave their campuses immediately following the school day. Lake Heights interview participants attributed the challenges of maintaining community in academically struggling schools to the frequency at which students depart or desire to transfer. In essence, they perceive that continued high levels of student transfers will result in demoralization in schools where families and students feel they are unable to escape due to limited transfer or transportation options.

Perhaps the most troubling negative implication of school choice for academically underperforming campuses is the potential for increased racial isolation. Lake Heights interview participants, namely the school board members and principals, indicate that majority of transfers to other schools are gained through participation in an academy. As previously noted, the vast majority of academy participants are affluent Asian and White students. This scenario results in the district's diverse mid and lower achieving schools hemorrhaging Asian and White students to high performing locations that serve low percentages of students that are Black, Latino, and/or economically disadvantaged. LHISD leaders expressed concern that future increases in Asian and White student flight will result in a growth of racially isolated low-performing schools. This concern did not surface in interviews with Flatlands ISD participants for two primary reasons. First, nearly eighty percent of those served by Flatlands ISD are students of color who attend schools that are intentionally racially balanced. Second, a review of Flatlands ISD's

recently accountability history notes that the most schools have similar academic performance levels with only one school, a different one each year, being classified as in need of improvement.

Theme two: Transportation. Transportation surfaced as a significant theme in the Flatlands and Lake Heights school districts. Interestingly, respondents employed by the districts all noted the extreme costs associated with operating large fleets of school buses. The district personnel also described the complicated nature of designing and operating a school choice transportation network. This was distinguished from standard bussing to residentially assigned campuses since choice transportation requires a wide web of buses to operate in many varying routes, often crossing much of school districts. This instance is true in both districts as some students using Flatlands' open enrollment choice policy and Lake Heights' academies elect to attend schools that are great distances from their homes.

Interview participants noted commute times and the districts' responses to them as a major transportation concern of the school choice policies. Although students in both districts endure long bus rides, those in Flatlands likely experience this more since a larger percentage of students living in the urban communities near the city core travel out to the suburban neighborhoods. Interviews with student affairs administrators and community members in Flatlands revealed that the district recently revamped the bussing network and routes in an attempt to reduce fuel costs and travel times. An interview with a Flatlands ISD community member reveals that the district had been under community

pressure to improve students' commutes to school. The Democratic Responsiveness lens is used here in consideration of the district's response.

Democratic responsiveness. As previously noted, after more than thirty years of being under a desegregation court order Flatlands ISD has developed an espoused and compellingly internalized pro-equity operations culture. As required by the existing court orders, the district has formally integrated community awareness and responsiveness into its policy creation and review process through frequent interactions with the established multi-ethnic committee. The combination of equity awareness and established community response procedures has resulted in avid responsiveness to families' concerns. The Democratic Responsiveness model suggests that policy makers attend to the needs and desires affluent individuals and groups greater than citizens who have lower incomes and less political influence. However, through consideration of the interview data, it does not appear that Flatlands ISD inequitably responds to community transportation concerns. This is likely for several reasons. First, the groups advocating better transportation networks largely are represented by families dependent on the district's bussing system to transport their children. It is probable that many of these families are not able to personally transport their children to school on a daily basis due to the lack of vehicle ownership or challenging work commute logistics. Additionally, the majority of affluent families in Flatlands ISD reside in the outlying suburban communities. Interview participants from the student services department indicated that the vast majority of students from the more affluent suburban neighborhoods attend the schools located in their communities.

Transportation has been a more contentious issue in Lake Heights ISD. LHISD leaders reported that the district similarly reworked its transportation network; however, this was presented to residents as an effort to increase efficiency and reduce costs. In addition to redesigning bus routes the district also modified its transportation of academy students. To review, the district's academy program enrollment is disproportionately comprised of students from affluent Asian and White families who can more easily provide private transportation, if needed, when seeking access to the highest performing schools. In applying the tenets of Democratic Responsiveness it appears that prior to recent transportation reforms the district created a boutique bussing network to transport academy students to their alternate school sites. Indeed, the school board members interviewed for this study disclosed that school buses with capacity for fifty students were commonly used to transport less than ten academy students. In addition, the buses would often pick up students on a door-to-door basis rather than in neighborhood clusters. For this the board members referred to the former academy student bus network as a "limousine service".

Systemic power. In further examining this issue, the creation of a door-to-door bus network to primarily transport affluent students implies that previous district leaders acted within a context of Systemic Power to serve their upper-strata community constituents. Consideration of Systemic Power highlights that previous leaders purposely designed the transportation system to please the more influential and well-resourced members of the community it serves. As Systemic Power would suggest, policy alignment with the interests of elites is often executed without requiring activism from

upper-strata individuals and groups. Policy leaders are intuitively aware of the dividends to be reaped by pleasing the affluent; they, too, are aware of the consequences of not serving the powerful. In recently introducing limited academy transportation Lake Heights ISD's new school board, superintendent, and senior staff has reversed past trends of inequitable access and attention to the upper-strata community. As a response to the now limited academy transportation bus service parents have contracted with a private provider to shuttle their students to their alternate school locations on a door-to-door basis.

Transportation remains a challenging issue in the Flatlands and Lake Heights school districts. Interview respondents in both districts noted that community members remain displeased despite the route modifications reducing fuel costs and decreasing commute times. Transportation access and equity for the districts' low-income communities continue to be a persistent challenge. Families without access to personal transportation or unable to logistically arrange for daily school commutes experience additional limitations when considering participation in school choice. When applying the Democratic Responsiveness and Systemic Power lenses it appears that the two districts have made efforts to manage community pressures with equitable outcomes as a guiding value. Interestingly, Flatlands ISD leaders expressly noted transportation access inequities and the district's role in attempting to close this gap through improving the bussing system. Alternatively, leaders from Lake Heights were primarily concerned with improving efficiency and reducing costs; excessive service to a generally well-resourced segment of students was reduced in the process of modifying bus routes.

Theme three: Community engagement and policy management. The preceding chapters address the high degree of interaction that school district officials have with community members in the managing of school choice. Here, the theoretical frameworks are applied to examine the manner in which districts respond to community influence and pressure. Although common findings surfaced when comparing the districts' management of policy, considerable variances were noted through application of the theoretical framework.

Interview participants in both locations highlighted the importance of the school district personnel responsible for managing the choice initiatives. Additionally, management of school choice in Flatlands and Lake Heights has been transitioned to administrative divisions responsible for student services. The data reveal that the offices managing choice policy employ a highly procedural approach to implement policy as transparently as possible. Choice program administrators from FISD and LHISD conveyed that the ideal of setting stringent regulations aims to prevent inequitable outcomes from families seeking to manipulate school choice policy. Interview respondents from both districts reported that the staff members of these departments have the highest interaction with choice policy and the most influence over policy revisions. Interview participants from Flatlands and Lake Heights also described that superintendents and school board members are influential, but as secondary actors. This finding indicates that, as originally posited, school district leaders and program administrators are the primary actors who operate school choice policy. Moreover, these

actors have the ability to align school choice policy to their and/or the communities' values.

The zone of mediation. This model well is suited to consider FISD and LHISD leaders' management of the district choice policies. The theoretical lens suggests that institutions such school districts operate within a sphere of their communities' values and generally must operate policies and programs culturally and politically accepted by those they serve. Although it is conceivable that the district manages its affairs out of fear of another legal review, Flatlands ISD's decades long desegregation mandate and considerable population of low-income and students color has created a culture that convincingly embraces diversity and equity. Interview data from the program administrators, a school board member, and community members reveal that FISD's culture of diversity appreciation results in management of a school choice policy that is equity focused. Interview participants in FISD, particularly a school board member and student services administrator, observed that Flatlands families overwhelmingly favor the choice policy and would not tolerate a return to residentially assigned schools which would likely result in more pronounced inequities across the district.

The leaders of Lake Heights ISD contend with a widely different context of cultural values. Interview respondents, particularly the district's superintendent, reported that many Lake Heights residents are socially and fiscally conservative and affluent. Consideration of interviews from other LHISD participants further explains that many families prefer residentially assigned schools and the class and racial/ethnic segregation they allow. The district leaders enthusiastically espoused their appreciation of diversity

and preference for increased diversity at the district's most racially isolated schools. This finding puts the LHISD's leadership at odds with many community members' values. In this instance the district actively mediates and attempts to guard against community values favoring exclusivity. The Zone of Mediation model is manifestly revealed when considering recent political developments in the district.

Implementation of the district's academy program and the accompanying rezoning of schools resulted in an electoral upheaval of all but one school board member two years ago; the former superintendent resigned shortly thereafter. LHISD interview participants disclosed that the electorate essentially viewed the rezoning and the academy model as redistributive policies adversely affecting the district's more affluent residents. This development finds that the former board members and superintendent implemented policies that violated the community's bounds of values. Interviews with two principals and two of the newly elected board members denote that it is likely the new board will pursue an agenda that swings the pendulum in the opposite direction. This implies that upcoming reforms will likely benefit Lake Heights' affluent families that perceive their children's education is threatened by recent attendance boundary changes and academies.

Democratic responsiveness. Interview data reveal that Democratic Responsiveness is strongly present in school choice policy management in Flatlands and Lake Heights ISD. Flatlands ISD provides a unique case of Democratic Responsiveness since community engagement and policymaking are formally integrated in the district's procedures. By mandate of the desegregation court order FISD leaders must report to and consult with the established multi-ethnic committee that is primarily comprised of local

civil rights and community activists and leaders. This form of Democratic Responsiveness to local advocacy elites is unique as the group is diverse and includes community members across Flatlands' racial, ethnic, and socioeconomic spectrum. However, one student services administrator observed that the multi-ethnic committee is not as representative of the community as would be expected because many members no longer have children attending FISD schools. Moreover, it is unclear if more affluent members dominate the committee. Flatlands ISD's multiethnic committee, though not a decision-making body, remains instrumental to policy formation and implementation in the district. Fortunately, the group exists for the sole purpose of ensuring equitable policy outcomes and program management.

Democratic Responsiveness in Lake Heights ISD is markedly different. The recently elected school board members are anticipated to advance a policy reform agenda that will primarily benefit LHISD's upper-strata families through rezoning school boundaries and restructuring or eliminating the academies. Interviews with principals and two of the board members confirmed that this expected agenda is designed to return upper-middle class neighborhoods recently zoned out the higher performing schools to the schools they prefer. The school board members interviewed for this study confirmed that their constituents frequently inquire about regaining access to the district's highest performing high school campuses. Additionally, removal of the academies at LHISD's high performing schools will allow for more residentially assigned student enrollment from the high-end neighborhoods that border the district's high achieving schools.

Rezoning and removing the academies is expected to expand access to the district's higher performing schools for hundreds of students residing in nearby higher-end neighborhoods. These steps directly reflect the tenets of Democratic Responsiveness as the influence of affluent families will likely result in policy reform with direct benefits. While primarily benefiting affluent LHISD residents, changes to school boundaries and academies are being done at the expense of the families seeking access to high performing schools via the academies who otherwise would not be residentially assigned. Interestingly, the majority of these students are middle class and upper-middle class Asians and Whites. The school board members supported this finding by reporting that the academies serve few low-income and students of color. The implications of these possible reforms are unique in that the target populations are also affluent, although likely not to the level of those residing immediately near LHISD's highest performing campuses.

Democratic Responsiveness in Lake Heights ISD is also evident as interview participants described the recent transfer operations and the ongoing culture of parents petitioning for choice transfers. Interview data from LHISD student affairs administrators, principals, and school board members indicate that, prior to the recent establishment of the office of student affairs and the accompanying tightening of choice policy, parents possessing social and cultural savvy were generally able to pressure school and district officials for favorable choice transfers. Indeed, all interview participants from the groups listed above confirmed that principals generally acquiesced to immense pressure, mainly from upper-strata families seeking a non-residential

enrollment in LHISD's higher performing schools. The principals and board members continued by explaining that, although policy now prevents such interferences, parents continue press them for transfers and have even sighted their ownership of expensive homes and the property taxes paid on such homes as a rationale for being granted access to LHISD's best schools. This ongoing onslaught of choice advocacy from affluent families is a vestige of years of laissez faire management of transfer policy that should have prevented such inequitable access.

Systemic power. Applying the Systemic Power theoretical model to LHISD policy management reveals additional inequities in attendance to the district's affluent residents. Due to their campaigning and resulting electoral victories, it is evident that the newly elected board members have intentionally aligned their policy stances with the interests of their more affluent constituencies. Although the school board members noted that residents directly petition them, it is expected that they would likely pursue their reforms with limited communication as they were elected for the causes they are championing. Systemic Power surfaced in conversations with Lake Heights' superintendent, program administrators, and principals. In separate interview settings all of these individuals referred to the district's substantial affluent community who, more than their lower-income neighbors, seek to influence district policy. The LHISD staff also indicated that the district must operate on a delicate balance of promoting equity and access and placating upper-strata community members. This finding is supported when several LHISD interview participants expressed concern about the possibility of Lake

Heights' affluent residents to flee the public schools in favor of private and charter options.

The fear of losing high academically achieving students, many of whom come from Lake Heights' affluent families, will likely continue to drive policymaking in the district. Indeed, loss of these students would adversely affect the district's financial and academic standing. In maintaining this awareness, it is likely that district leaders will continue to mediate policy while considering the interests of their vocal affluent community. Lake Heights ISD is now at a unique policy crossroads as the school board members have aligned interests with the district's affluent families while the superintendent and his student affairs administrators seek to squelch the culture of policy dominance by local elites. LHISD's superintendent and student affairs administrators have indicated that the recent establishment of rigid school choice guidelines was enacted to prevent inequitable access and outcomes. Of great importance, other than possibly expanding diversity recruitment to academies, little policy attention to low-income and students of color was reported. It is likely that school boundary rezoning and removal of the academies will not deeply affect LHISD's disadvantaged students since they currently lack access to the schools via residential assignment and the academies lack of outreach and competitive admission standards.

The policy implementation and operations culture of Flatlands ISD are radically divergent than what is seen in Lake Heights. In considering Systemic Power, it is clear that, by legal mandate, FISD leaders uniquely align policy with the interests of local elites. However, Flatlands' influential policy elites are civil rights-based community

advocates who primarily represent the interests of low-income students of color. This fact fundamentally curtails the magnitude of Systemic Power as the district's leaders are not as answerable to the whims of Flatlands business class elites, who are greatly less in number than in Lake Heights. Flatlands ISD's court order, community oversight, and use of race/ethnicity-based open enrollment school choice impedes policy dominance by affluent individuals seeking exclusive access to higher performing campuses. Due to Flatlands ISD's unique policy implementation context, there is little indication of Systemic Power favoring affluent elites as is seen in Lake Heights ISD.

In addition to maintaining a strong value on equity, opportunity, and access, interview participants in Flatlands ISD reported that the district is continuing to target investment in additional programs, services, and facilities in the lower-income areas of district. These efforts would generally be considered as handouts to the undeserving poor in a context ripe with Systemic Power as upper-strata community members often opposed redistributive investments or policies. It is likely that Flatlands high composition of low-income and students of color and a less active segment of business-class elites results in a greater focus on the promotion of equity in school programming and access to the district's higher performing schools. Flatlands ISD's intentional expansion of access to higher performing schools has increased opportunity for thousands of students over the years; though clearly the district's values on diversity and equity certainly were not existent prior to the two court orders still in effect.

Theme four: Managing racial and ethnic diversity. Diversity surfaced as a significant theme in both districts. Both Lake Heights and Flatlands are considerably

racially and ethnically diverse districts. To review, 55 percent of Flatlands students are Latino, 20 percent White, 15 percent Black, and 7 percent Asian. In Lake Heights student enrollment is nearly an even divide at a quarter African American, Asian, Latino, and White. Almost all interview participants in Flatlands expressed a hearty embracement of the district's student diversity. It is likely that this is the case due to the district's continued school desegregation court oversight and the culture that has emerged from it. Several interview participants in Lake Heights also referred to the district's student diversity as an asset. However, the role of diversity in implementing school choice policy is rather divergent when comparing efforts between the two districts. The Zone of Mediation model is the highly useful in analyzing Flatlands and Lake Heights ISDs' response to racial and ethnic diversity in managing school choice policy and creating supplies of receiving school sites.

The zone of mediation. As previously mentioned, Flatlands ISD is intentional in managing its operations within the bounds of the community's values. Flatlands' substantial population of low-income and students of color and its civil rights legacy has resulted in a community that ardently values diversity and equity. Interview participants from Flatlands confirmed that the community tremendously approves of the district's open-enrollment choice plan that permits students from various communities to attend the same schools. It is important to reiterate that the school district utilizes an ethnicity ratio to balance its schools, thus preventing over and underrepresentation of a particular group beyond the district's overall student demographics. While this strategy would be controversial in most school districts, interview participants report Flatlands residents

continue to approve of racial balancing to ensure diversity and equitable access to the district's schools. Indeed, it is clear that thirty years of court-mandated equity-driven policy implementation has created a culture diversity appreciation with policy tools to fulfill this ideal.

Alternatively, school district leaders in Lake Heights contend with the district's student diversity. LHISD's principals, student affairs administrators, and superintendent recognized and rhetorically appreciated diversity as an asset of the district. However, they also recognize that many Lake Heights community members do not share the same values on racial/ethnicity diversity within district schools. This finding is best illustrated when the district's superintendent stated that in particular, the district's Asians families are not interested attending schools with students of color, namely Blacks, although many African Americans reside close to Asian neighborhoods. Similarly, staff from the district's student affairs division reported that they often field requests from White and Asian parents seeking choice transfers solely on the basis of race as their students would otherwise be residentially assigned to schools primarily serving students of color. In further exemplifying these disconcerting trends, the district's school board members reported that the academies have essentially become a tool to allow Asian and White students to attend the LHISD campuses that primarily serve other Asians and Whites. All of these efforts are purportedly undertaken under the guise of wanting access to high performing schools, however the racial and ethnic implications of these self-segregating practices are clear.

Despite their expressed appreciation of the district's student diversity, LHISD leaders have operated school choice policy within a zone of community values favoring exclusivity and self-segregation in the past and appear likely to do so in the future. Indeed, the past lack of policy oversight in student transfers permitted LHISD Asian and White parents to petition principals who often granted transfer requests to the district's schools primarily serving other Asian and White students. With the onset of new regulations aimed at limiting these exchanges, parents have become dependent on the academies as a mechanism to attend the higher performing campuses lacking students of color. Current district policy permits this practice. In addition, students attending the district's lower academically achieving schools, which primarily serve Blacks and Latinos, are only allowed to utilize a performance-based transfer to mid-range performing schools that also have high enrollments of students of color.

Recent reforms indicate that Lake Heights ISD's superintendent and student affairs administrators are intent on reversing these concerning trends. This is evidenced by the creation of, and adherence to, stringent rules limiting transfers and having discussions about requiring academies to be more representative of the district's student demographics. At the same time the new school board members will likely pursue school boundary rezoning and restructuring or dismantling of the district's academies. In their current states these policy reforms will mostly affect Lake Heights primarily White community residing around the high performing schools and the mostly Asian families who use academies to access these schools. Further, though underutilized by LHISD's Black and Latino families, removal of the academies would eliminate an existing method

that could be used to attend high performing campuses if changes were made to recruitment practices. Lake Heights' superintendent and program administrators are precariously positioned in their attempts to promote diversity and increase equitable outcomes. Indeed, Lake Heights' affluent, largely White and Asian communities, are closely attuned to district policymaking and have proven their ability to mobilize and affect change when they perceive that school district leaders violate their values and policy comfort zone.

Strained race relations. Flatlands and Lake Heights have made efforts, in varying degrees, to ease racial/ethnic tensions and reduce disparities in opportunity and outcomes. Despite these attempts racial and ethnic disharmony surfaced as a common theme in both school districts. Interview participants in Flatlands ISD described that a history of disparate treatment of minority communities, namely African Americans, prompted the NAACP to file two school desegregation lawsuits resulting in the court orders requiring the district to integrate schools. Flatlands' open enrollment school choice policy is a direct outcome of strained race relations and inequitable treatment. Interview participants reported very low levels of current race/ethnic tension in the district and provided several rationales supporting their claims. First, one of the FISD student services administrators noted that the district has experienced significant White flight over the last three decades. He continued by asserting that those opposed to open enrollment school choice and the diversity it provides no longer reside in the district. The business community leader similarly noted that families seeking newer, more separate schooling environments settle in the communities and school districts outlying Flatlands

ISD. Another student services administrator, a school board member, and a leader of the local NAACP chapter all attributed Flatlands low level of racial/ethnic tension to the community's high level of racial and ethnic diversity and the fact that the open enrollment choice program has existed for decades.

Race relations in Lake Heights ISD are precarious. The district's superintendent, two student affairs administrators, and two school board members reported accounts of families pursuing transfers in order to escape schools serving high numbers of Black and Latino students. Although Whites were noted as participating in such practices, the participants implicated Lake Heights' Asian as group most frequently and overtly engaging in these practices. The school board members and student affairs administrators levied perceptions that frequently associate Asians as a model minority group. Specifically, the district personnel suggested that LHISD's Asian families highly value education and fervently petition to get their children into the district's highest performing schools resulting in a level of academic advantage for Asian students when compared to their White, and especially Black and Latino peers. The school board members and program administrators additionally observed that the Lake Heights' many East and South Asian families have created distinct residential and commercial enclaves throughout the community. These community settlement patterns are particularly vexing for LHISD leaders as Lake Heights' White and Asian communities are essentially competing for enrollments at the district's high performing campuses.

The district's superintendent, student affairs administrators, and school board members confirmed that Whites comprise the majority households proximal to high

performing schools. These residents are then limited to accessing the schools in their communities as over one thousand primarily Asian students use academies to attend these campuses. The combination of school attendance boundaries changes and the addition of academies limited student enrollment capacity at higher performing schools that largely served affluent White students from surrounding neighborhoods. Much consternation resulted from boundary changes and the addition of the academy programs as many, mostly White, families were zoned out of the two highest performing high school campuses. These instances were the impetus of the school board electoral defeats and following departure of the previous superintendent. The sense of belonging adds another layer to the racially complex context of attending the highest demanded schools. Indeed, well-resourced Asian and White students largely benefit from the test-score focus of the academies' competitive admissions standards and are equipped to achieve a sense of supposed merit by earning a right to attend LHISD's high performing schools. Furthermore, it is likely that LHISD's families and students participating in academies would oppose diversification in academy admissions as their near monopoly would be threatened. The generous academic support often provided in affluent Asian and White households essentially results in a form of significant advantage that many low-income and students of color are not provided with.

Policy Recommendations

This study sought to identify and compare the practices used by two Texas school districts to implement school choice policies. Particular attention was devoted to strategies used to generate a supply of receiving schools, community influence in

policymaking, and implications for access and equity. As an additional component this chapter contains a list of policy recommendations that, if adopted by districts, would address areas of concern that surfaced from the research. The following recommendations for federal, state, and local education policymakers and administrators aim to increase the ability for school choice to fulfill its egalitarian promise to expand disadvantage students' opportunities to attend higher performing campuses. Chiefly, this study of school choice implementation finds that without preventative measures federal, state, and local performance-based school choice policy is vulnerable to influence elites; some of whom are not interested in increasing access to higher achieving schools.

Federal and state policy recommendations. Despite the granting of NCLB waivers to many states, federal and state requirements for school choice contain no measures to ensure equitable implementation of a policy intended to expand access and equity. As originally designed, school districts are required to offer students at underachieving schools an opportunity to attend a higher performing campus, if there are any available within a students' district. However, there are no policy mandates to ensure that school districts permit students to schools with high achievement rates. As seen in Lake Heights, the district permits students residentially assigned to two repeatedly underperforming campuses to transfer to two other high schools that are marginally better. Federal and state policymakers should integrate guidelines to ensure, where applicable, that students attending low-achieving schools indeed have access to high performing campuses.

Building capacity emerged as a major factor limiting the ability for students to exercise school choice options in Lake Heights ISD. The school district's strict use of an 80 percent building capacity ratio is used to close campuses to incoming transfers. This action results in a limited supply of receiving school sites. Federal and state policymakers should establish standardized methods of calculating building capacity to determine student enrollment space. This reform would better ensure that districts make more campuses open as receiving school sites. State education agencies should then provide oversight of space utilization rates to guarantee that families have more schools to select from.

Flatlands ISD recommendation. Due to decades of legal mandate, Flatlands ISD has been at the forefront of implementing policies to expand access to high achieving schools and other supporting programs for many of its disenfranchised students. The district's existing court orders, community engagement, and open enrollment choice policy potentially serve as a model for districts seeking similarly equitable results; therefore, fewer recommendations are included for Flatlands ISD. However, comparison of school achievement and student demographic data reveals persistent disparities in academic performance and the concentration of economically disadvantaged students between campuses. To alleviate this, FISD should include student economic disadvantage as a variable when balancing enrollment distributions across district schools in the open enrollment choice process. Comparison of school achievement and student demographic data using the Texas Education Agency's school report card indicates disparities in academic performance. In addition to the 20 percent ethnicity ratio used to prevent over

and underrepresentation by student race, inclusion of socioeconomic status at a rate lower than 20 percent would reduce high concentrations of economically disadvantaged students schools, an occurrence frequently associated with lower academic achievement levels.

Lake Heights ISD recommendations. Lake Heights ISD use of multiple modes of school choice, history of laissez faire policy management, and considerable number of affluent residents challenges district officials aiming to increase equity and access. The following recommendations identify practices LHISD leaders could implement to increase their goals of reducing the level of disparity in the district.

Recommendation one: End the practice of permitting school principals to deny transfers following student record reviews. Interviews with principals disclosed that building leaders have the ability to review the academic records of students requesting a general or an extenuating circumstance transfer. This practice effectively allows school administrators to outright deny but often flag and track students they deem high risk. There are major equity implications from this finding as students, primarily low-income and students of color are likely to be disproportionately denied transfers or closely monitored as they are overrepresented in discipline referrals, truancy, and lower levels of academic achievement.

Recommendation two: Discontinue the use of transfer request processing based on submission date. Interviews with Lake Heights student affairs administrators that manage the districts choice modes revealed that families seeking a general transfer must submit applications that are then placed on school-specific waiting lists on a first come,

first serve basis. This practice likely disproportionately benefits families with the time and resources needed to quickly collect required information about the process and successfully submit an online application. To ensure that opportunities are equal the district should provide a longer application window and utilize software to randomly rank the waitlist.

Recommendation three: Encourage more diversity in academy participation. Interviews participants indicated that Lake Heights' academy programs are fundamentally a cloaked form of choice mostly utilized by affluent Asian and White families. More troubling, academy admission practices are entirely managed by building level personnel that determine what criteria are required to gain entry into the academies. To resolve this, Lake Heights' division of student affairs should establish formal oversight, if not directly manage, academy admissions to prevent the possibility of inequitable opportunities. Additionally, the student affairs department should encourage diversity outreach in academy admissions procedures. This would ensure that personnel managing the academies purposely engage students at the district's middle schools that primarily serve low-income and students of color.

Recommendation four: Target community engagement to Lake Heights' low-income and communities of color. Interview participants reported high levels of interaction with LHISD's affluent families and two community groups advocating for and against the presence of academies. Interestingly, none of the interview respondents noted engagement with civil rights advocacy groups or organizations representing the interests of low-income communities. Lake Heights should embrace targeted engagement

to give more voice to the currently less-regarded groups. Making this effort would contribute to preventing policy advocacy and potentially policy outcomes that disproportionately benefit affluent families.

Recommendation five: Reserve enrollment space at high performing campuses for performance-based transfers. Lake Heights' most demanded high school campuses are overenrolled and classified as closed to incoming student transfers. This scenario immediately prevents access to high performing schools located in Lake Heights' affluent communities for the low-income and students of color disproportionately more likely to attend the districts' two academically underperforming schools where performance-based out-transfers are granted. If truly concerned with increasing equitable access for students attending underachieving schools, district officials should reserve adequate enrollment space at top performing schools similar to the method used to reserve enrollments for academy students. It is likely that a redistributive policy such as this would draw the ire of LHISD's affluent Asian and White families who, when compared to their low-income and Black and Latino neighbors, are best able to benefit from residential assignment and academy entrance to attend the district's best schools.

Implications for Theory

This study utilized three distinct theoretical lenses for analysis of school choice implementation and the resulting implications. The Democratic Responsiveness, Zone of Mediation, and Systemic Power theoretical models were useful in providing genuine illustrations of community dynamics and their influence in policy implementation in the Flatlands and Lake Heights school districts. Of particular note, the theories are

foundationally based in political science and sociology of education academic study. Though the models had varying degrees of utility in the previously addressed themes the core tenets were well adapted to this comparative educational policy implementation case study. An overview of the implications for theory from this study is provided here.

The Zone of Mediation model was most helpful for portraying the how school district officials implement policy within the political and cultural confines of their communities. This theoretical work grounded in the sociology of education proved to be an appropriate complement to the research aims of this study. This is perhaps best observed in considering the electoral rout of Lake Heights' last school board. The Zone of Mediation lens clearly depicted the consequences experienced when public officials violate community political and cultural norms. Although useful for framing these developments, the Zone of Mediation lens was not as prominently employed in the other themes featured in this study.

Democratic Responsiveness was particularly valuable in identifying how the school districts respond to their affluent community members. Little evidence of Democratic Responsiveness was indicated in Flatlands ISD as the district has established a pro-equity culture that features established procedures that limit over-attendance to demands from local elites. The district's operation of an open enrollment policy that effectively fulfills the mission of performance-based school choice immediately guards against intentionally providing affluent families with the best educational opportunities as would be expected in a context permeated with Democratic Responsiveness. The theoretical model was clearly observed in Lake Heights' prior to recent reforms to the

district's methods to transport academy students, the majority of whom are affluent. The district's purposeful door-to-door shuttling of academy students indicates that previous leaders designed a specialized transport system to please local elites. Again, the comparison of school districts exemplifies the variations in responsiveness from public officials and the threats to equity that often result.

The primary theoretical lens used in this study, Systemic Power, primarily founded in political science. Nevertheless, the tenets of the model were well demonstrated when applied to educational policy, specifically the themes that emerged from the study of Flatlands and Lake Heights ISDs. In Flatlands ISD the model indicates that the equity driven open enrollment policy that is founded on desegregation court orders is highly effective at inhibiting district officials from alignment strategies and programs with the interests of local elites. However, Systemic Power was found to be rife in Lake Heights ISD's implementation of its several school choice methods. This was most clear as the previous leadership expanded access to the best schools through implementing specialized academies that the well-resourced students of affluent families have dramatically greater access to due to competitive admissions standards. In addition, it is anticipated that the district's current school board will likely redraw school attendance boundaries and removed the academies located at high performing schools. Both of these reforms stand to benefit the affluent communities residing close to the district's high performing campuses with guaranteed access through residential assignment. Systemic Power perfectly illustrates that, similar to politicians, school district officials keenly align their efforts with the interests of upper-strata interests.

Though not commonly associated with the study of educational policy implementation all three theoretical models were effectively applied and demonstrated great value in their unique application featured here.

Conclusion

This study of school choice implementation, specifically the methods used to create a supply of receiving schools, community policy influence, and implications for equity reveals that there is some of promise in promoting access and opportunity. However, it is evident that achieving equitable results from school choice implementation must be driven by a commitment and specific practices to increase access to higher performing schools for disadvantaged students. Indeed, much of the ability to achieve equitable outcomes depends on the structure of school choice in a district. Albeit legally mandated, Flatlands ISD's open enrollment choice plan mostly allows all students to attend any school they desire, as long as their presence does not surpass the 20 percent ethnicity ratio band. Although the majority of students enrolled in Flatlands ISD schools attend the schools they would likely be residentially assigned to, 20 percent elect to transfer to a campus they are more interested in attending. For a variety of aforementioned reasons, FISD schools are relatively balanced by race and ethnicity and attain academic achievement at similar levels. The implementation of Flatlands ISD's process-driven and tightly controlled open enrollment plan allows the district to limit inequitable access to schools for the most part.

Alternatively, Lake Heights ISD's multiple modes of controlled school choice present stark implications for access and equity. The district's use of strict enrollment

guidelines largely close choice transfers to all but a few mid and low academically performing schools. Students qualifying for performance-based transfers are faced with the option to attend two mid-performing schools far away from their homes or they may remain at their residentially assigned underperforming locations. There is potential for LHISD's academies to be a useful tool for expanding access to high performing schools. However, the competitive entry requirements coupled with a lack of diversity recruitment results in participation that disproportionately benefits LHISD's affluent Asian and White students.

Managing petitions and policy advocacy remains a struggle for LHISD leaders, especially as upper-strata families and the groups representing them are highly resourced and mobilized to advocate for positions, often at the expense of low-income communities of color. Fortunately, superintendents, school board members, program/policy administrators, and principals in both districts are keenly aware that the stakes are high for increasing equitable access to schools in their districts. In Flatlands interview responses suggest that district leaders are primed to continue equitable operations and outcomes from their school choice policy. Clearly, Flatlands ISD is succeeding in this regard due to decades of legal mandate and community oversight. Leaders in Lake Heights documented that the district has recently taken bold steps to enforce policies and monitor practices to limit inequitable outcomes stemming from high levels of policy domination by local elites. It remains to be seen if Lake Heights' superintendent and student affairs administrators can successfully hold the line on equity as their school

board pursues school boundary and academy reforms with uncertain ramifications for equity and access to the district's best schools.

Appendix A

Interview Protocol: School District Personnel

Research Questions

1. How do school district officials (policy directors, leadership team) implement performance-based intra-district school choice policies?

    1a. What are the factors are taken into consideration, i.e. student demographics, spatial elements, anticipated participation, etc., in generating the supply of receiving schools?

    1b. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to the districts' schools as a whole?

    1c. How do groups outside of district staff influence the selection decisions?

2. What are the implications of performance-based school choice policy for access, equity, and opportunity?

Interview Questions

School District Personnel

1. Could you please describe your professional background and the work activities of your current position?

2. What factors are considered when designing choice programs and creating a supply of receiving schools?

    a. What role does transportation have in operating the program?

    b. Please describe the history of selected receiving schools?

    c. What trends, if any, have changed over time?

3. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to the districts' schools as a whole?

4. Who is involved in making decisions about the choice program?

a. Are there other stakeholders are involved? i.e. local parents, politicians, etc.

b. What resources or strategies are used to influence policy?

c. What do these individuals/groups hope to grain from their involvement?

d. Demographically, how do these individuals/groups compare to the district's general population and that of the district's students?

e. What commentary often results from stakeholders at receiving schools?

5. What are the strengths of the district's current school choice program when compared to past strategies or those used in other districts?

6. What, if any, opportunities exist to improve current practices?

7. What do/does students, schools and the district gain through intra-district school choice?

a. What, if any, are the associated costs?

*Suggested school principals/assistant principals

*Suggested a board member

Appendix B

Interview Protocol: School District Personnel

Research Questions

1. How do school district officials (policy directors, leadership team) implement performance-based intra-district school choice policies?

    1a. What are the factors are taken into consideration, i.e. student demographics, spatial elements, anticipated participation, etc., in generating the supply of receiving schools?

    1b. What are the geographic, demographic, and student performance characteristics of selected receiving schools when compared to the districts' schools as a whole?

    1c. How do groups outside of district staff influence the selection decisions?

2. What are the implications of performance-based school choice policy for access, equity, and opportunity?

Interview Questions

Community Group Member

1. Could you please describe your background and how you became involved in public education advocacy?

2. What factors should be considered when designing school choice programs and creating a supply of receiving schools?

    a. What role does transportation have in operating the program?

    b. Please describe the history of selected receiving schools?

    c. What trends, if any, have changed over time?

3. In considering geography, student demographics and student academic performance, which schools are the strongest candidates to serve as receiving sites? Why?

a. Which schools are least in demand? Why?

4. Who is involved in making decisions about the choice program?

a. Are there other stakeholders are involved? i.e. local parents, politicians, etc.

b. What resources or strategies are often used to influence policy?

c. What do these individuals/groups hope to grain from their involvement?

d. Demographically, how do these individuals/groups compare to the county's general population and that of the district's students?

e. What is commentary often results from stakeholders at receiving schools?

5. What are the strengths of the district's current school choice program when compared to past strategies or those used in other districts?

6. What, if any, opportunities exist to improve current practices?

7. What do/does students, schools and the district gain through intra-district school choice?

a. What, if any, are the associated costs?

b. Are there any affects on business development and/or real-estate?

*Suggested school principals/assistant principals

*Suggested a board member(s)

*Suggested community member(s)

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