



Texas Public Policy Foundation
**LEGISLATOR'S GUIDE
TO THE ISSUES
2021-2022**

Educational Flexibility for Families

The Issue

No two children are alike, and no two children have the same exact circumstances in life; the variety present in student aptitudes, preferences, and circumstances is infinite. In addition, family priorities for education can vary widely. Depending on values and circumstances, individual families can place higher significance on the social aspects of school, academic rigor, school sports and extracurricular training, school safety, reliable childcare, or even proximity to a parent's workplace.

A simple system of residential assignment is no guarantee that students who are assigned by arbitrarily drawn lines to specific campuses will be best served there. It can also perpetuate educational inequities, as disadvantaged students are most likely to be consigned with no alternative to a school that may not be able to serve them best. Our education system should seek to accommodate the varying needs of its students through creating flexibility and agency for students and their families.

Approximately 562,284 students attended one of over a thousand campuses in Texas given a D or F rating in the 2018-19 school year. Over 140,000 student requests are on waiting lists for high-quality charter schools, indicating unmet demand for alternative options. A [federal investigation in 2018](#) revealed that special needs students in Texas are being underserved, and the state is pursuing ways to meet those students' needs. The recent COVID-19 pandemic may also result in a significant restructuring of families' priorities, and parents may want additional flexibilities as they navigate a changing public health landscape.

Students who remain in their assigned schools and students who chose alternative options benefit from the presence of a variety of choices. Of 27 empirical studies examining the impact on surrounding public schools when students were allowed a choice, 25 found that the academic performance of surrounding public schools improved. Of 17 empirical studies conducted on participating student achievement in private choice programs, 11 found that student achievement improved and 4 found no measurable impact.

There are many ways that Texas can encourage options for its students. One of the most obvious and common forms of choice is magnet schools. Students apply to a magnet campus within their district, typically a campus with a specific academic focus; if they meet the set criteria and seats are available, they are accepted into the campus.

Districts can create a wider, more accessible system of choices by allowing for a broader, more student-focused selection within the district. Open enrollment describes the practice of allowing students to select a public school rather than assigning them to a specific campus. Some districts in Texas have actually become "open-enrollment districts," allowing students to select the campus

they would prefer to attend within their district rather than assigning schools to students based on their home address.

Open enrollment can also extend across district lines. Unless a district operates as an open-enrollment district, a student transfer process is usually involved. A student can request to transfer to another campus in their own district, or they can request to transfer to a campus in another district.

Student transfer policies are almost entirely left to the discretion of each school district; thus, they can vary widely. This can make it very difficult for families to know and understand their options. Families would benefit from a more transparent landscape with clearer information about the opportunities available to them.

Charter schools also offer an important form of choice. Charter schools can create varying models, but in contrast to magnet schools, they are required to accept all applicants regardless of academic status, using a lottery system if the number of applicants exceeds the number of available seats. Districts can also partner with charter schools to bring additional options to their students within the district framework (for more, see "Encouraging Charter Innovation").

Virtual education can provide students with geographic, scheduling, and other flexibilities. However, the provision of virtual education in Texas is severely limited (for more, see "Serving Students Through Visual and Blended Learning").

Students who prefer an option not operated by a traditional or charter district, or simply cannot get into their preferred district school, may be able to use private or home school options. However, they may face a prohibitive financial situation. Twenty-nine state legislatures, Puerto Rico, and Congress (for the District of Columbia) have established some form of support for students who wish to attend non-public options. Texas has none. Every Texas child should be afforded the opportunity to select the educational options which best suit his or her individual needs, but right now Texas's school finance system prioritizes a district structure over student needs. Families who prefer a different option have no access to the support the state collects and distributes for education.

Two options used by other states to increase families' agency are tax credit scholarships (TCSs) and education savings accounts (ESAs).

Tax credit scholarships create tax credits for individuals or businesses who donate to non-profit scholarship-granting organizations (SGOs). These students can use those scholarships to access their chosen education services.

Modeled after health savings accounts, ESAs give families greater control over the funding the state allocates per student. An ESA can be used for a variety of educational expenses throughout a school year, including therapy, tutoring, test fees, textbooks,

transportation expenses, and tuition. This allows families to customize their children's education.

Students with special needs are often given primary access to ESAs or TCSs. Parent satisfaction with these programs is notably high: studies of programs in Arizona and Florida have found high levels of parental satisfaction and drastically lowered levels of student victimization.

The Facts

- Families have different priorities, and students have different needs; a variety of options ensures that all students have the best chance of being served well.
- Approximately 562,284 students attended one of over a thousand campuses in Texas given a D or F rating in the 2018-19 school year.
- Public schools improve when multiple options for students are present: of 27 empirical studies examining the impact on surrounding public schools when students were allowed a choice, 25 found that the academic performance of surrounding public schools improved.

Recommendations

- Promote educational excellence and customization in Texas by empowering Texas students with as wide a variety of options as possible.
- Empower students with special needs with educational choice options.
- See additional recommendations in entries on charter and virtual schools.

Resources

[*How School Choice Affects the Achievement of Public School Students*](#) by Caroline Hoxby, Hoover Institution Press (2002).

[*School Choice and Climate Survey*](#), Grand Prairie ISD (Dec. 2014). This piece discusses the impact of open enrollment within a Texas school district.

[*“Open Enrollment Provides Substantial Benefits to Students and Families”*](#) by Aaron Smith, Reason Foundation (Jan. 28, 2020). This commentary summarizes research on open enrollment nationwide.

[*Virtual Education in Texas*](#) by Emily Sass and Austin Griesinger, Texas Public Policy Foundation (Nov. 2020).

[*The 123s of School Choice*](#), EdChoice (2020). This work summarizes private school choice programs across the nation.

[*A Texas-Sized Brand: Education Savings Accounts in the Lone Star State*](#) by Inez Feltscher Stepman and Lindsey M. Burke, ALEC (March 2017).

[*Children in Need: Special Needs Students in Texas Would Benefit From Education Savings Accounts*](#) by Emily Sass and Stephanie Matthews, Texas Public Policy Foundation (May 2017).