

Trouble Even in Choice Paradise:
NCLB Options in Miami-Dade County Public Schools

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Draft: Please do not cite without permission from the author

Prepared for the American Enterprise Institute/Thomas B. Fordham Foundation Conference,
“Fixing Failing Schools: Is the NCLB Toolkit Working?”
November 30, 2006

The collected papers for this conference can be found at www.aei.org/event1351

This paper is to appear in a forthcoming publication as:

Jane Hannaway and Sarah Cohodes, “Miami-Dade County: Trouble Even in Choice Paradise,” in
The No Child Left Behind Remedies: Safe? Sensible? Effective?, eds. Frederick M. Hess and

Chester E. Finn, Jr. (Washington, DC: American Enterprise Institute Press, 2007).

The Miami-Dade County Public Schools (M-DCPS) system is the largest public school system in Florida and the fourth largest in the country, with an enrollment of over 350,000 students in 2005–2006. As in Florida more generally, the school choice programs operating in M-DCPS are numerous and varied. The school transfer and supplemental educational service (SES) options required by the No Child Left Behind Act (NCLB) add to an already thriving set of choice programs, including magnet schools, charter schools, *I Choose!*, Controlled Choice, the Corporate Tax Credit scholarships, the McKay Scholarship and the Opportunity Scholarship Program.

This chapter* attempts to examine the fit and operation of choice provisions required under NCLB within the overall context of school choice in Miami. The choice provisions provided by NCLB and the school choice programs provided by the state have the same basic objective: to allow parents dissatisfied with the performance of their child's school the option to transfer their child to a better school. The rules governing these programs, however, differ. Most importantly, the school performance ratings provided by the state accountability system, the Florida A+ Accountability Plan, and those provided by the NCLB criteria differ markedly, often presenting parents with conflicting information both about the performance of the school their child attends as well as the performance of the schools they might choose.

We focus on two aspects of the NCLB school choice provisions. First, we explore reasons that the utilization of NCLB school choice options by eligible parents is low. After all, this is a community that is well-versed in school choice. Second, we examine the choice behavior of parents to assess the extent to which they are guided by the school performance

* The authors would like to thank Jayanti Owens for the careful research assistance of in conducting the research reported here. They would also like to thank administrators at the Miami-Dade County Public Schools for their generous access.

information that is associated with NCLB and the school performance information that is associated with the state A+ Plan.

MIAMI-DADE COUNTY PUBLIC SCHOOLS

M-DCPS serves over 350,000 students, the majority of whom are from economically disadvantaged backgrounds. Sixty percent of students are eligible for free and reduced price lunch (FRPL). Hispanic students represent about 60 percent of enrolled students; one-third are African American, and less than 10 percent are white. Approximately 17 percent of the students are English language learners (ELL) and more than 20 percent are foreign born.

Student performance levels in Miami are not high, but they have been increasing. The three grades for which we have the longest period of comparable scores are grades 4, 8, and 10.¹ Between 2000 and 2005, the percent of 4th grade students who scored proficient or above (a numerical score of 3, 4, 5) on the FCAT² increased from 40 to 69 percent;³ 8th grade scores rose from 29 to 34 percent; and 10th grade moved from 21 to 23 percent. For the most part, Miami's student achievement gains have exceeded those of the state.⁴ The number of schools in M-DCPS receiving an A grade, according to the state's A+ accountability program, increased from only 9 in 2003 to 179 in 2006. The district received an overall grade of B in both the 2004–2005 and 2005–2006 school years, an improvement from its grade of C in 2003–2004.

In terms of adequate yearly progress (AYP), the picture is not so rosy. The district itself has not made AYP for the last three years. In 2002–2003, only 8 percent of M-DCPS schools made adequate yearly progress according to NCLB. The percentage went up to 23 percent in 2003–2004 and then to 45 percent in 2004–2005, but declined to 35 percent in 2005–2006. Indeed, in 2005–2006, 79 schools in M-DCPS had not made adequate yearly progress for four

consecutive years and were in their third year of school improvement. Their students were therefore eligible for school transfer and supplemental educational services. As the performance bar rises in subsequent years,⁵ the situation may well get worse. We discuss the discrepancies between the state's A+ Plan school grades and the NCLB ratings later in this chapter.

SCHOOL CHOICE IN FLORIDA

Florida has a long and extensive history in school choice, even more so in M-DCPS. Early choice policies in the state were instituted by school districts as a way to remedy residential segregation. Over the years, choice has emerged as a key aspect of state education policy and its objectives have broadened. In his 2006 State of the State Address Governor Jeb Bush said, "We are committed to school choice because equal opportunity starts with equal options for education and the competition of choice drives positive changes in our public schools." School choice in Florida is seen not only as a way to remedy system inequities for individuals, but also as a way to improve performance of the system as a whole in terms of efficiency and effectiveness.

The Florida legislature created three important scholarship-based education programs during Governor Bush's administration. The first is the Opportunity Scholarship Program (OSP), which is part of the state's accountability system (the A+ Plan) and provides choice for students in failing schools. Schools are graded on an A to F scale largely on the basis of student performance on the FCATs, tests used by the state to assess student performance on the Sunshine State Standards. If schools receive an F grade in two out of four years, students in those schools are afforded choice.

Many view the Opportunity Scholarship Program as the state's signature school choice policy. Passed by the legislature in 1999, it is the only statewide voucher program ever created in the nation. Until January of 2006, OSP allowed students to redeem vouchers at private, including religious, schools as well as higher performing public schools in the state. The private school option was declared unconstitutional in January 2006 by the Florida Supreme Court,⁶ but the public school option remains in place.

The second program, the John M. McKay Scholarships for Students with Disabilities, became a statewide program in the 2000–2001 school year. The McKay Scholarship provides vouchers for parents dissatisfied with the services their special needs children receive in public schools. Parents have an option of choosing another public school or using the scholarship to attend an eligible private school. While this program is structured similarly to the Opportunity Scholarship Program, it was not included in the Supreme Court ruling.

The third program is the Corporate Income Tax Credit Scholarship Program. This program allows corporations to take dollar-for-dollar tax credits⁷ for donations to scholarship fund organizations⁸ that provide scholarships for students. Only students who qualify for the free and reduced-price lunch program are eligible to receive these scholarships, which are valued at up to \$3,500 per year. It is noteworthy that each of the state scholarship-based programs is geared to students who, in some way, have special needs or are in circumstances that are likely to disadvantage them.

The state also has more general choice plans. Charter schools began operating in Florida in 1996. By the 2005–2006 school year, the state had 334 charter schools in operation, the third largest number of charter schools in the country. The schools are authorized and financed by local school districts. Through legislation passed in 1996, the state also requires that school

districts have an open enrollment choice plan that allows parental choice to be a significant factor in student assignment to schools. A 1985 state law also allows parents to direct home education for their children.

Many of these state programs have had steady and significant growth since their establishment, although the private school voucher part of the OSP program never took off. A large part of the reason is that the vast majority of schools that received an F grade in 1999 did not receive a second F grade and therefore were never subjected to vouchers. At the time of the Supreme Court ruling in January 2006, only 740 students statewide were using OSP vouchers to attend private schools.

The McKay Scholarships are more popular. Only 970 students used McKay Scholarships in the 2000–2001 school year. Five years later (in the 2005–2006 school year), almost 17,000 (16,812) students took advantage of them. By 2005–2006, 740 private schools were participating in the program, up from 100 in 2000–2001. The Corporate Tax Credit Scholarship Program has held steady with about 10,000 to 15,000 students since it began in the 2002–2003 school year.

Charter school enrollment has steadily increased. In the first year (1996–97), there were only 574 students in five charter schools. In the 2005–2006 academic year, over 90,000 (92,214) students attended the 334 charter schools in the state. In addition, over 50,000 students in the state were home-schooled, up from a little less than 40,000 in 2000.

On top of the Florida choice programs come the choice options associated with NCLB. If a school receiving federal Title I, Part A funds fails to make adequate yearly progress (AYP) for two years, it is labeled “in school improvement” and parents of students in that school have the option of choosing a school that not in school improvement with transportation provided. If a Title I, Part A school fails to make AYP for three years, parents of students in that school who

are eligible for free or reduced price lunch have the opportunity to receive supplemental education services (SES). SES offers tutoring through state-approved providers during flexible times outside the regular school day and on weekends.⁹ No Florida schools are yet eligible for school restructuring, but over 500 schools in the state are at risk of four consecutive AYP failures with the 2006–2007 AYP score calculations.

As noted earlier, academic performance standards determined by the state's A+ plan differ markedly from those determined by NCLB's AYP criteria. The basic concepts, tests, strategies and objectives of the two systems are similar.¹⁰ Both systems test students annually in at least reading and math and both establish consequences for low performing schools, including allowing students in these schools to transfer to a higher performing school. But the way schools are rated lead to often conflicting ratings of school performance.

The primary difference between the A+ Plan and NCLB ratings is that A+ gives weight to *learning gains* as well as achievement levels, while NCLB focuses on the percent of students achieving specified proficiency levels. A school's gains are not taken into account in the NCLB calculation. In addition, while A+ gives special weight to academically low performing students, NCLB requires that proficiency levels be calculated for a number of student subgroups.¹¹ While many schools across the country are held responsible for the performance of only a limited number of subgroups by virtue of the fact that the numbers in some subgroups are too small, schools in Florida tend to be large and diverse and therefore have a large number of performance hurdles to clear to make AYP.

As a consequence of their different criteria, the school performance appraisals determined by the state's A+ Plan and determined by NCLB often give mixed signals about school quality. In the 2005–2006 school year, 74 percent of schools in the state received a grade of either A or

B, and 95 percent received a grade of at least C, according to the A+ Plan; but 40 percent of the A/B schools and more than two-thirds of schools with at least a C did not make AYP according to NCLB. No D or F schools made AYP. Table 1 shows the number and percent of schools in the state that made and failed AYP by the school grade (A–C and D/F) by year.

Table 1: AYP by School Grade, All Florida Schools

		2002-2003			2003-2004			2004-2005			2005-2006		
		A-C	D/F	Total	A-C	D/F	Total	A-C	D/F	Total	A-C	D/F	Total
Pass AYP	#	360	0	360	660	0	660	1059	0	1059	854	0	854
	%	15	0	14	27	0	25	43	0	38	32	0	31
Fail AYP	#	1973	162	2135	1757	231	1988	1403	308	1711	1788	145	1933
	%	85	100	86	73	100	75	57	100	62	68	100	69
Total	#	2333	162	2495	2417	231	2648	2462	308	2770	2642	145	2787
	%	94	6	100	91	9	100	89	11	100	95	5	100

Note: Schools that did not receive a Florida School Grade or an AYP designation are excluded from this chart.

Note: Fail AYP includes schools that received "Provisional" AYP in 2006 and 2005.

Source: Florida Department of Education

Because of the large discrepancies between A+ and NCLB in the rating of schools, Florida petitioned the U. S. Department of Education in 2005 for amendments to its NCLB accountability plan. Most importantly, and relevant to the discussion here, Florida requested that schools that did not make AYP, but that received an ‘A’ or ‘B’ in the A+ Plan, be identified as ‘Provisional AYP’ (P/AYP) schools. Under this proposal, P/AYP schools would be treated differently from other schools that did not make AYP.¹² Specifically, only students in P/AYP schools who did not score proficient or higher in either mathematics or reading would be offered school choice or SES. Such a change would have cut the number of schools not fully subject to the NCLB school choice requirements by about half.¹³ While the Secretary was willing to test this change in a limited number of school districts, she was unwilling to grant a statewide approval. Florida declined the offer of a limited test. So while schools in Florida that receive an A or B in the A+ Plan, but do not make AYP, are designated P/AYP, they are still held to the requirements of schools that do not make AYP. The P/AYP designation may reduce confusion

by parents about school performance, and may give some recognition to staff producing student achievement gains, but P/AYP schools still face the full consequences of not making AYP.¹⁴

SCHOOL CHOICE IN MIAMI

All the state choice programs, plus more, operate in M-DCPS. The district has a long history of offering choice to students and parents, starting with early desegregation efforts and continuing and expanding since the district was declared unitary in 2002. As early as 1997 the school board established an office to oversee the choice programs of the district. In the 2005–2006 school year, fully 22 percent of the students in Miami attended a “choice” school, about 80,000 students. To put it in perspective: if these choice students constituted a separate school district, it would be among the top 35 largest school districts in the country, larger than Austin, Denver, Cleveland, Boston, San Francisco and the District of Columbia.

While the total number of students exercising choice is large, the extent to which individual programs are utilized varies greatly. Magnet schools and charter schools, part of the district choice program, have the largest enrollments; NCLB and OSP have the smallest, by far (table 2). In 2005–2006, 76 magnet programs in 67 schools served over 30,000 students and 58 charter schools had a total enrollment of over 18,000 students. An additional 32 charter school applications have been approved by the district and an enrollment of 70,000 students in charter schools in the next few years is likely to be realized.

Table 2: Enrollment in School Choice Programs

	2002-03	2003-04	2004-05	2005-06	2006-07
Magnet	27,941	28,035	32,651	31,861	
Charter	7,490	11,607	13,397	18,516	
NCLB Choice	n/a	237	528	633	1,195
Controlled Choice	8,328	8,150	7,492	9,417	
I Choose!	n/a	n/a	6,420	9,940	10,355
McKay Scholarship*	1,896	2,780	3,297	3,607	4,090
OSP Scholarship*	514	558	868	250	

Note: Because the enrollment period is not yet over, the 2006-2007 enrollment counts are running totals as of 10/26/06. * Indicates that the program places students in both private and public schools. OSP stopped private school enrollment in 2005-2006.

Source: Miami-Dade County Public Schools, Florida Department of Education

In contrast, in that same year, OSP served only 250 students and NCLB school transfer served only 633. The McKay scholarship program is restricted to students with disabilities, but even with this restriction, it served over 3,500 students, 330 in public schools and 3,277 in private schools.¹⁵

No doubt part of the reason for the difference in the take-up rates between magnet and charter schools, on one hand, and OSP and NCLB transfer, on the other, is history. Both magnet schools and charter schools have had a long history in M-DCPS. The first magnet (Charles R. Drew Elementary Schools) in M-DCPS opened in 1973 and so parents are familiar with them.¹⁶

The district was also a pioneer with charter schools. Miami opened the first charter school in the state (Liberty City Charter School) that same year state legislation was passed. The Opportunity Scholarship Program has offered choice since 2000, but as mentioned earlier, relatively few schools in Florida have received two F grades in four years and thereby become eligible for choice under OSP. NCLB transfers only became an option in the 2003–04 school

year. Before considering other reasons for the low take up rate of NCLB school transfer, it may be useful to describe more fully the more popular M-DCPC choice programs.

Different types of magnet programs, governed by different rules, operate in the district. In general, the district attempts to put geographic boundaries around choice options. Dade County covers approximately 2000 square miles of land, so developing efficient transportation systems to support school choice is a challenge. Some magnets are programs that are open to students from multiple attendance areas, but operate in schools that also provide a regular program for students from the school's attendance area. Other magnets are school wide programs, but open only to students within certain attendance boundaries. Still others are schoolwide without attendance boundaries, but with priority given to students who live in the area; and others serve any eligible students in the district.

Some magnets are permitted to take students' achievement levels, talents and interests into account in determining student eligibility, but for the most part, students in magnet programs/schools are randomly selected from applicants in appropriate attendance areas in a process that also takes into account indicators of school performance and socioeconomic status.¹⁷ All magnet programs/schools are expected to recruit a diverse applicant pool of students. If diversity goals in a magnet are not met for two years, additional weights may be applied in the random selection process. According to Florida Statutes, all students admitted to a magnet program/school are eligible for transportation if they live more than two miles from their school of choice.

The district school choice programs also include Controlled Choice and *I Choose!*. Controlled Choice schools have "an enhanced curriculum focused on an academic theme." They accept applications early each spring for the following fall. Enrollment is based on random

selection from applicants within the zone, though priority is given to siblings and home proximity to the controlled choice school. In 2005–2006, 9,417 students utilized Controlled Choice¹⁸ choosing from fourteen designated schools in 6 controlled choice zones.

The *I Choose!* Program is supported with a grant from the U.S. Department of Education and is designed to foster voluntary within-district school choice by increasing the number of choice schools available. In this five-year plan, the district will identify eight choice zones and support the creation of a number of school options. Currently, there are two choice zones, containing 19 *I Choose!* schools. Additionally, the *I Choose!* program creates “All Academy” choice schools at under-enrolled and under-construction schools that will be open to the whole district. Students are randomly selected for enrollment from the applicant pool.

The district has a number of other smaller choice programs. For example, K–8 Centers are available for parents who prefer that their children complete school through 8th grade in a K–8 setting rather than attend a middle school. With federal grant support, the district has also established a variety of high school initiatives. These initiatives include: smaller learning communities in 16 of its high schools, career academies with business partnerships, a lab school in partnership with the University of Miami, three career technical high schools, a dual enrollment high school/college program for 11th and 12th grade students, and satellite learning centers seeking to enable students to attend a public school at their parent’s workplace. Under certain circumstances, parents may also request administrative transfers, which allow for routine school changes due to family moves or other transfers into schools that are not overenrolled.¹⁹

NCLB SCHOOL CHOICE

The above discussion begs the question about why the take up rate on NCLB choice (school transfer) is so low (table 3). Clearly Miami is a community accustomed to exercising

school choice. Indeed, there appears to be a strong acquired appetite for choice. Yet less than one-half of one percent (0.47 percent) of students eligible for NCLB school choice in 2005–2006 requested and used a transfer. The take up rate is even lower than the low national estimate of 1.6 percent of eligible students using NCLB school transfer option in 2005–2006.²⁰ We consider five possible explanations for the apparent lack of responsiveness to the NCLB school choice option in Miami below.

Table 3: NCLB School Transfer

	2003-2004	2004-2005	2005-2006	2006-2007
# Eligible Schools	9	140	148	148
# Receiving Schools	not available	108	115	112
# Eligible Students	7,537	125,738	133,359	125,538
Eligible Students Requesting				
#	237	528	633	1195
%	3.1	0.4	0.5	1.0
Eligible Students Receiving				
#	237	528	633	1195
%	3.1	0.4	0.5	1.0

Note: 2006-2007 is incomplete.

Source: Miami-Dade County Public Schools

Two explanations are commonly cited for the generally low rates of NCLB school choice in large urban districts across the country. The first is that eligible school alternatives are not available. According to NCLB requirements, students may only transfer into schools that are not in school improvement. In many districts this is a problem: 20 percent of districts reported no schools with the AYP rating necessary to accept students and 25 percent of districts claim lack of space for transfer students in 2004–2005.²¹ But in M-DCPS, while only 36 percent of schools made AYP in 2005–2006 (table 4), 55 percent of schools were not in school improvement, amounting to 180 schools. Of these 180 schools, 115 have the space to accept NCLB transfers. Clearly, these schools cannot absorb all the students from all 148 schools in school improvement, but the low demand—only 633 students—can be easily absorbed.

Table 4: AYP by School Grade, Miami-Dade Schools

	2002-2003			2003-2004			2004-2005			2005-2006			
	A-C	D/F	Total	A-C	D/F	Total	A-C	D/F	Total	A-C	D/F	Total	
Pass AYP	#	24	0	24	75	0	75	150	0	150	119	0	119
	%	9	0	8	29	0	24	53	0	45	39	0	36
Fail AYP	#	231	48	279	187	56	243	133	50	183	190	20	210
	%	91	100	92	71	100	76	47	100	55	61	100	64
Total	#	255	48	303	262	56	318	283	50	333	309	20	329
	%	84	16	100	82	18	100	85	15	100	94	6	100

Note: Schools that did not receive a Florida School Grade or an AYP designation are excluded from this chart.

Note: Fail AYP includes schools that received "Provisional" AYP in 2006 and 2005.

Source: Florida Department of Education

In addition, NCLB school choice is, in many ways, less constrained than other school choice programs open to parents in M-DCPS. Because of the expansive geographic size of the district, M-DCPS tends to establish geographic boundaries or attendance zones for its choice programs to control transportation costs. For example, in Controlled Choice and *I Choose!*, 2 to 13 schools are available for choice in a zone. In order to use these programs, a student must both live in the appropriate zone and then choose among the schools in that zone (see table 5). In contrast, in NCLB, every student in the district in a school identified for improvement has the school transfer option, and while choice should be within boundaries, the boundaries are large containing 34 to 48 schools.

It is notable that 100 percent of the students who requested NCLB school transfers received them, suggesting that shortages in available enrollment spaces or a restricted number of eligible receiving schools is not the issue in M-DCPS, at least with the current low level of demand.

Table 5: School Choice Capacity

	Geographic Zones	Available Schools
Magnet	Some in-zone only; some give proximity advantages	76 programs in 67 schools
Charter	No	58 charter schools
NCLB Choice		34-48 schools per zone
Controlled Choice	6	2-3 schools per zone
I Choose!	2 (up to 8 eventually)	6-13 schools per zone
McKay Scholarship	3	47-85 schools per zone
OSP Scholarship	3	Schools with a grade of C or better

Source: Miami-Dade County Public Schools

A second common explanation for the low use of the NCLB transfer option in large urban school districts is that the school district has not effectively communicated information about the option to parents. This seems to be a hard case to make in M-DCPS. Miami-Dade has extensively promoted NCLB school choice through notification letters sent individually to parents, choice outreach information at schools, advertisements in local media, radio and television commercials, and other targeted dissemination. Outreach efforts are made in English, Haitian Creole, and Spanish. The school transfer application is available in all three languages, and is a simple form that consists of basic student information and indication of school choice preferences. The district has also promoted NCLB school choice programs directly to parents through local employers, such as those in the hospitality industry, that employ large numbers of parents whose children are likely to be eligible for school transfer. Although the number of students using NCLB school transfer doubled from the previous year (from 633 in 2005–2006 to 1,195 in 2006–2007), the number is still small relative to enrollment in other choice programs and serves less than one percent (0.95 percent) of the eligible population.

The district conducted a similar campaign to inform the public about supplemental educational services (SES), even including automated telephone calls to homes with a message from a Miami Heat basketball player. Other outreach included media advertisements, flyers, and individual notification letters. The district hosted numerous SES fairs where providers presented

their programs, answered parents questions, and solicited participation. These SES fairs were held twice per month in at least three different locations during the annual enrollment period. Parents could enroll their child right on the spot at the fair, again using a simple application available in all three major languages spoken in the district.

A new state law spurred these outreach efforts. In 2006, the state legislature augmented the Florida K–12 School Code in regard to “Supplemental educational services in Title I schools; school district and provider responsibilities”. Under this law, the state Department of Education required and assisted districts to publicize and streamline the SES enrollment process.²² Miami-Dade responded. One district official commented that the districts’ outreach endeavors over the last year for SES and NCLB choice have far “outdone previous marketing efforts.” The results seem to bear that out. So far, over 25,000 of the over 90,000 students eligible for SES requested services. This represents more than 50 times the number who requested services in 2004–2005 (397 students), the first year it was available, and more than a three-fold increase in the rate—from 7.8 percent of those eligible to 28.1 percent (table 6). While the application numbers are high, it is yet unclear how many students will actually use the services this year, but presumably the number will be considerably more than what it was last year. The district office has worked overtime to process the over 25,000 SES applications as each application must be double-checked to ensure the applicant is both enrolled in an eligible school and meets the criteria for free/ reduced price lunch, and then entered into the database by hand. A lack of effort on the part of the district to disseminate information about NCLB school choice options to parents and process applications in a timely way does not appear to be the problem.

Table 6: Supplemental Educational Services

	2004-2005	2005-2006	2006-2007
# Eligible Schools	9	95	127
# Eligible Students	5,122	78,696	92,186
Eligible Students Requesting			
#	397	8,289	25,918*
%	7.8	10.5	28.1
Eligible Students Receiving			
#	121	4,322	10,854*
%	2.4	5.5	11.8

Note: * Data as of January 8th, 2007

Source: Miami-Dade County Public Schools

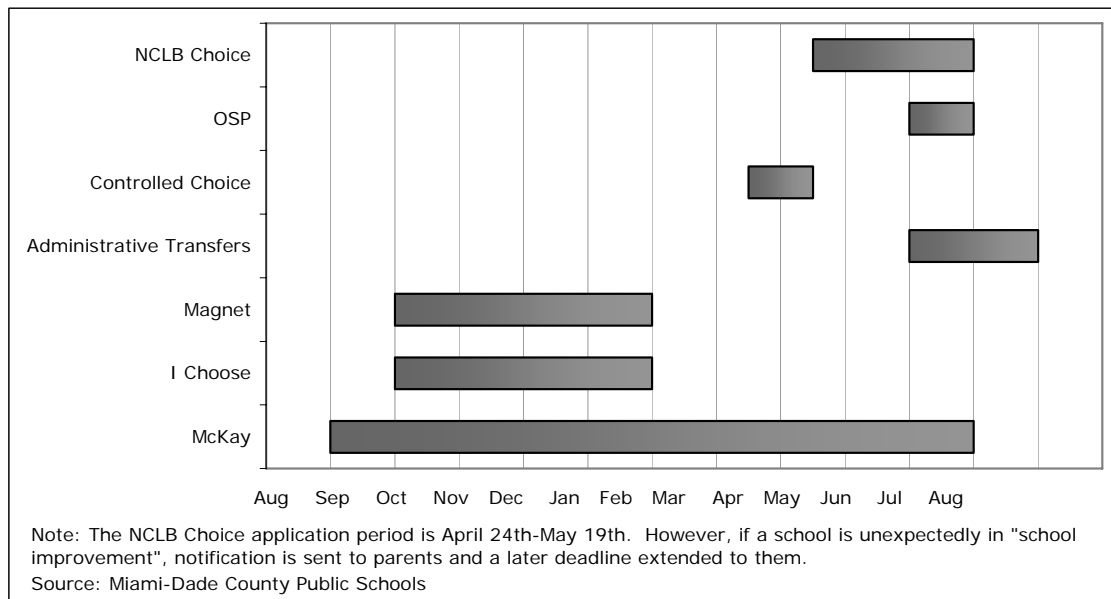
A third possibility is that logistical barriers associated with the large geographic region covered by the school district restrict demand for NCLB transfer. But if this were the case, other choice programs would be constrained in the same way. Even if the size of each of the three NCLB school choice zones was a deterrent, the district provides transportation for students when the distance from home to school is in excess of two miles. So it is difficult to attach much weight to this possibility.

A fourth possibility is that parents do not think that schools that are not in school improvement are any better than the schools that failed AYP for two consecutive years and are in school improvement that their children already attend. Unlike magnet and charters schools that are well known in the district, or a straightforward grade of A for in the state rating, the school improvement designation which is based in AYP results may not provide a clear signal of school quality to parents, especially given that it often at odds with the state performance grade. One district official gives an example of this confusion: “Miami High is a sending school under NCLB, so you have a choice out, but by state standards it’s a receiving school under the Opportunity Scholarship Program for kids that want to get out of failing high schools.” Table 3 shows that 61 percent (190 schools) of the schools that did not make AYP received grades between A and C in the state grading system. Indeed, over half (51 percent) of the schools not

making AYP received grades of A or B. The rules for making AYP are complicated since all student subgroups must make the proficiency mark. For most parents, the state grading may offer a clearer indication of the value of a school. Miami-Dade schools with large subgroup populations may miss AYP by a few criteria, but still be generally high performing schools. We explore this issue further later when we examine the characteristics of the schools that parents choose.

A fifth possibility is that parents wanting to exercise school choice do so well before the NCLB school transfer option becomes available. Figure 1 below shows that decision timeline for the major choice programs offered by Miami-Dade.²³ Applications for two of the largest of M-DCPS's programs, magnet schools and *I Choose!* occur in the fall and winter. This is months before enrollment for NCLB school choice is available. Because NCLB transfer eligibility is based on the cumulative performance of the school including performance in the immediate prior year, the decision window for parents occurs at the end of the school year.

Figure 1: School Choice Application Windows



NCLB's school choice application window is from April 24th to May 19th in the 2006–2007 school year. M-DCPS attempt to speed up the process by providing parents with an early notification of schools likely to be eligible for school transfer, and parents register their preferences before final AYP results come out, and in some cases before the school is formally determined as in school improvement.²⁴ M-DCPS was in the 29 percent of districts that manage to notify parents of eligibility to transfer before the beginning of the school year.²⁵ But even so, the decision window is considerably later in the school year than the windows for other programs. Most of the other choice programs rely on lotteries for final selection and one administrator thought those parents who used NCLB transfer were parents for whom it was “the last chance” to leave a school where they were dissatisfied.

M-DCPS recognizes the overall complexity of the array of choice programs it provides to parents and that this complexity may lead to confusion and low utilization rates of some choice options. They are currently attempting to work out a system so that parents can apply on a consolidated application at one point in time. The details are yet to be worked out.

As noted earlier, the request rate for SES (28.1 percent) has increased dramatically in the last year. On one hand, this is a tribute to the efforts of M-DCPS to generate demand. The use rate (11.8 percent), however, remains low.²⁶ Program administrators have suggested a number of possible explanations. One concern is that parents may not make deliberate choices the way they might if they felt they were paying directly for the services. The fairs put the choices plainly before parents and make it easy to sign up. This, of course, is good. But many parents signed up with multiple providers; after all, it is “free” and some providers market aggressively. In short, the request rate may be an inflated measure of real interest or reasoned choice. Scheduling also is

a problem. Most providers prefer to provide services to students on the school site. However, because of scheduling and staffing problems, not all services can be scheduled immediately after school, leaving some students unattended until they are scheduled for some students. This break in schedule may contribute to low actual participation. There have also been reports of providers not showing up for scheduled tutoring sessions, something that is difficult to monitor. M-DCPS has 47 providers spread over the city meeting students in different places at different times.²⁷ Unreliable scheduling may also contribute to low usage. Many of these issues may simply reflect organizational learning problems that will be overcome with experience and the development of effective and efficient procedures over time.²⁸ Others of these issues may be an endemic part of the complexity involved in running SES programs.

THE BASES OF CHOICE

In this section we examine the implicit choice behavior in the NCLB transfer program, the Magnet program, and in the M-DCPS administrative transfer program that includes *I Choose!*. M-DCPS provided us with school transfer files that show at the individual student level the school a student was leaving (sending school) and the school the student was transferring to (receiving school) for the 2005–2006 school year by program.

Table 7 below shows the percent of students leaving and entering schools by school AYP status and by state school performance grade (A–F). (More detailed tables are available from the authors.)

Table 7: AYP and School Grades, % of Transfers by Sending /Receiving Schools

Program	Pass AYP	P/AYP	Fail AYP	A	B	C	D	F
NCLB School Transfer (N=630)								
Sending School	20	13	68	8	15	45	21	12
Receiving School	31	44	25	50	25	20	5	0
Magnet Schools (N=18,839)								
Sending School	34	18	47	35	15	28	16	6
Receiving School	48	12	40	52	7	35	5	1
Administrative Transfers, Including I Choose! (N=11630)								
Sending School	35	16	48	34	14	34	15	3
Receiving School	46	23	31	52	15	24	8	1

Source: Miami-Dade County Public Schools

A number of observations are worth noting.

First, many students choosing to transfer leave A schools for other schools. Over one third of students using the Magnet school option and the administrative transfer (including *I Choose!*) option are leaving A schools. Similarly, more than one-third of students using the Magnet school option and the administrative transfer option are leaving schools that made AYP. Interestingly, a large fraction of the A school students choose other A schools. In short, much of the choice being exercised is by parents who are fine-tuning their options, probably on the basis of detailed information.

Second, A schools are the most likely schools to be chosen. Over half of the students in each of the three programs for which we have data opted to attend an A school. In other words, the state A+ school ratings are either significantly affecting the schools parents choose or they comport with parents' independent judgments about school quality. A very small fraction chose D or F schools.

Third, a very large percent of parents chose schools in each of the programs that did not make AYP. Indeed, nearly 70 percent of the parents exercising the NCLB school transfer chose a school not making AYP! Forty-four percent of them chose a school with a Provisional AYP (P/AYP) rating. Recall that this status is given to schools that received an A or B in the state

system, but did not make AYP. And more than half of the students using the Magnet option or the Administrative transfer option chose schools that did not make AYP.

These patterns of choice suggest that AYP status is not given much serious consideration as parents make school choice; they do not align closely with the choice behavior of parents. The state ratings align more closely.

CONCLUSION

M-DCPS operates a system of school choice that is larger than the total enrollment of many large cities. Yet, even in this “pro-choice” environment, the take up rate on the NCLB options, especially the school transfer option, is low. We explore various reasons for the low take up rate and conclude that the most common reasons do not hold in M-DCPS. Sufficient spaces seem to be available in higher rated schools for NCLB transfer; parents in the community are accustomed to making school choices; and M-DCPS goes to great length in informing parents about their options. It could be that when the district is able to coordinate their various choice programs and include them together in a consolidated application that the NCLB option will be utilized more. But two more basic problems exist. First, the NCLB school choice application timeline is necessarily late in the school year, when many students may already be enrolled in choice schools through other programs. Second, parents may believe that the NCLB AYP rating system is not a good indicator of school quality and thus are not prompted to make a choice using the NCLB ratings. The situation with SES is probably more complicated. Parents are faced with a large set of choices and while they are increasingly applying for services, the actual use is still low for reasons that are not entirely clear. Here the providers and parents may all be on the early part of a learning curve.

Appendix: Expanded School Transfer Tables

Table A.1: AYP by Sending and Receiving Schools
NCLB School Transfer N=638

		Receiving Schools				
		Provisional				
		Pass AYP	AYP	Fail AYP	Total	
Sending Schools	Pass AYP	#	65	33	14	125
		Row %	52	26	11	100
		Column %	33	12	9	20
		Cell %	10	5	2	20
	Provisional AYP	#	17	63	0	80
		Row %	21	79	0	100
		Column %	9	23	0	13
		Cell %	3	10	0	13
	Fail AYP	#	118	183	132	433
		Row %	27	42	30	100
		Column %	59	66	83	68
		Cell %	18	29	21	68
Total	#	200	279	159	638	
	Row %	31	44	25	100	
	Column %	100	100	100	100	
	Cell %	31	44	25	100	

Source: Miami-Dade County Public Schools

Table A.2: School Grade by Sending and Receiving Schools
NCLB School Transfer N=630

		Receiving Schools						
		A	B	C	D	F	Total	
Sending Schools	A	#	45	6	1	0	0	52
		Row %	87	12	2	0	0	100
		Column %	14	4	1	0	0	8
		Cell %	7	1	0	0	0	8
	B	#	37	55	1	0	0	93
		Row %	40	59	1	0	0	100
		Column %	12	35	1	0	0	15
		Cell %	6	9	0	0	0	15
	C	#	164	61	33	24	0	282
		Row %	58	22	12	9	0	100
		Column %	52	39	26	83	0	45
		Cell %	26	10	5	4	0	45
	D	#	49	25	52	4	0	130
		Row %	38	19	40	3	0	100
		Column %	15	16	41	14	0	21
		Cell %	8	4	8	1	0	21
	F	#	23	9	40	1	0	73
		Row %	32	12	55	1	0	100
		Column %	7	6	31	3	0	12
Cell %		4	1	6	0	0	12	
Total	#	318	156	127	29	0	630	
	Row %	50	25	20	5	0	100	
	Column %	100	100	100	100	0	100	
	Cell %	50	25	20	5	0	100	

Source: Miami-Dade County Public Schools

Table A.3: AYP by Sending and Receiving Schools
Magnet Schools N=18839

		Receiving Schools				
		Provisional			Total	
		Pass AYP	AYP	Fail AYP		
Sending Schools	Pass AYP	#	3,220	1,497	1,672	6,499
		Row %	50	23	26	100
		Column %	36	64	22	34
	Provisional AYP	Cell %	17	8	9	34
		#	1,833	328	1,217	3,378
		Row %	54	10	36	100
	Fail AYP	Column %	20	14	16	18
		Cell %	10	2	6	18
		#	3,915	493	4,554	8,962
	Total	Row %	44	6	51	100
		Column %	44	21	60	47
		Cell %	21	3	24	48
Total	#	8,968	2,318	7,553	18,839	
	Row %	48	12	40	100	
	Column %	100	99	100	100	
Total	Cell %	48	12	40	100	

Source: Miami-Dade County Public Schools

Table A.4: School Grade by Sending and Receiving Schools
Magnet Schools N=18831

		Receiving Schools					Total	
		A	B	C	D	F		
Sending Schools	A	#	4,245	721	1,507	82	1	6,556
		Row %	65	11	23	1	0	100
		Column %	43	54	23	9	1	35
		Cell %	23	4	8	0	0	35
	B	#	1,433	212	1,124	129	2	2,900
		Row %	49	7	39	4	0	100
		Column %	15	16	17	14	1	15
		Cell %	8	1	6	1	0	15
	C	#	3,146	312	1,553	226	17	5,254
		Row %	60	6	30	4	0	100
		Column %	32	23	23	24	11	28
		Cell %	17	2	8	1	0	28
	D	#	726	77	1,789	364	66	3,022
		Row %	24	3	59	12	2	100
		Column %	7	6	27	38	44	16
		Cell %	4	0	10	2	0	16
	F	#	232	14	630	150	62	1,088
		Row %	21	1	58	14	6	100
Column %		2	1	10	16	42	6	
Cell %		1	0	3	1	0	6	
Total	#	9,782	1,336	6,603	951	148	18,820	
	Row %	52	7	35	5	1	100	
	Column %	100	100	100	100	99	100	
	Cell %	52	7	35	5	1	100	

Source: Miami-Dade County Public Schools

Table A.5: AYP by Sending and Receiving Schools
 Authorized Administrative Transfers, Including I Choose! N=11556

		Receiving Schools				
		Pass AYP	AYP	Fail AYP	Total	
Sending Schools	Pass AYP	#	3,025	698	368	4,087
		Row %	74	17	9	100
		Column %	57	26	10	35
		Cell %	26	6	3	35
	Provisional AYP	#	955	600	342	1,897
		Row %	50	32	18	100
		Column %	18	22	9	16
		Cell %	8	5	3	16
	Fail AYP	#	1,281	1,374	2,917	5,572
		Row %	23	25	52	100
		Column %	24	51	79	48
		Cell %	11	12	25	48
Total	#	5,261	2,672	3,623	11,556	
	Row %	46	23	31	100	
	Column %	99	99	98	99	
	Cell %	46	23	31	100	

Source: Miami-Dade County Public Schools

Table A.6: School Grade by Sending and Receiving Schools
 Authorized Administrative Transfers, Including I Choose! N=11630

		Receiving Schools						
		A	B	C	D	F	Total	
Sending Schools	A	#	3,174	498	257	29	0	3,958
		Row %	80	13	6	1	0	100
		Column %	53	29	9	3	0	34
		Cell %	27	4	2	0	0	34
	B	#	965	300	309	48	2	1,624
		Row %	59	18	19	3	0	100
		Column %	16	17	11	5	3	14
		Cell %	8	3	3	0	0	14
	C	#	1,496	696	1,357	351	6	3,906
		Row %	38	18	35	9	0	100
		Column %	25	40	48	36	10	34
		Cell %	13	6	12	3	0	34
	D	#	333	214	720	377	42	1,686
		Row %	20	13	42	22	2	99
		Column %	6	12	25	39	69	15
		Cell %	3	2	6	3	0	14
F	#	27	27	104	164	11	333	
	Row %	8	8	31	49	3	100	
	Column %	0	2	4	17	18	3	
	Cell %	0	0	1	1	0	3	
Total	#	5,995	1,735	2,747	969	61	11,507	
	Row %	52	15	24	8	1	100	
	Column %	100	100	97	99	100	99	
	Cell %	52	15	24	8	1	99	

Source: Miami-Dade County Public Schools

¹ These grades were the only grade levels tested prior to the state instituting annual testing in 2001.

² The Florida Comprehensive Assessment Test (FCAT) is administered to students in Grades 3-11 and contains two basic components: criterion-referenced tests (CRT), measuring selected benchmarks in Mathematics, Reading, Science, and Writing from the Sunshine State Standards (SSS); and norm-referenced tests (NRT) in Reading and Mathematics, measuring individual student performance against national norms. Students' performance is reported in a 1-5 scale with 5 being the highest. Students who receive a '3' are considered 'proficient. They answer many of the questions successfully, but not the most challenging questions.

³ In 2003, Florida was the only state in the country that had significantly higher NAEP reading scores in 4th grade, providing some independent evidence to corroborate this large increase.

⁴ *Beating the Odds VI* (Washington, D.C.: Council of Great City Schools, 2006).

⁵ States specify each year the percent of students who need to be academically proficient in order for schools to make AYP with a goal that by the 2013-2014 school year all students (100 percent) will be proficient. Florida has established ten intermediate goals that increase annually in equal increments (7 percentage points) for determining adequate yearly progress, beginning in the 2004-05 school year with 37 percent proficient.

⁶ In a 5-2 opinion, the Florida Supreme Court held that the Opportunity Scholarship Program (OSP) law violates the state constitutional requirement of a uniform system of free public schools. The opinion held that OSP violates Article IX of the state's constitution because: "It diverts public dollars into separate private systems parallel to and in competition with the free public schools that the sole means set out in the constitution for the state to provide for the education of Florida's children. This diversion not only reduces money available to the free schools, but also funds private schools that are not "uniform" when compared with each other or the public system. Many standards imposed by law on the public schools are inapplicable to the private schools receiving public monies. In sum, through the OSP the state is fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools." However, in response to the court decision, Gov. Jeb Bush signed into a law a bill that will allow many low-income students using the OSP program to transfer into the Corporate Tax Credit Scholarship program and continue to exercise school choice. "Florida Governor Signs Bill Giving Displaced Students a Lifeline to a New School Choice Program and More Accountability to Private Schools," *Alliance for School Choice*, June 7, 2006. Available online at http://www.allianceforschoolchoice.org/media_center.aspx?IITypeID=3&IID=2691.

⁷ Up to 75 percent of their state income tax liability.

⁸ The legislation limits the aggregate amount the state may award to \$88 million.

⁹ School districts must set aside an amount equal to 20 percent of the Title I funds to provide choice options.

¹⁰ Jane Hannaway and Kendra Bischoff, "Florida: Confusions, Constraints, and Cascading Scenarios in *Leaving No Child Behind? Options for Kids in Failing Schools*, eds. Frederick M. Hess and Chester E. Finn, Jr. (New York: Palgrave Macmillan, 2004).

¹¹ Including racial/ethnic categories of students (white, black, Hispanic, Asian American, American Indian), and students who are economically disadvantaged, have limited English proficiency, and have disabilities.

¹² The state also requested that the number of students required for sub-group performance determination remain at least 30 students, but that the students represent at least 15 percent of the student body. The Secretary of Education approved this change.

¹³ 35 percent of schools in the state made P/AYP and 34 percent failed to make AYP.

¹⁴ Interestingly, a recent study examined the learning gains of students in schools that made AYP and schools that did not and also schools that received different letter grades in the A+ Plan. Paul Peterson and Martin West, "Is Your Child's School Really Effective?," *Education Next*, no 4 (2006). The researchers found that the A+ Plan more accurately measured school quality than the AYP determination of the NCLB program. Governor Bush was reported as saying, "With all due respect to the federal system, our accountability system is really the better way to go." Sam Dillon, "As Two Bushes Try to Fix Schools, Tools Differ," *New York Times*, September 28, 2006.

¹⁵ Of course, the motivation of parents with children with special needs may be particularly compelling.

¹⁶ Indeed, the M-DC School Board established in 1991 the Magnet Educational Choice Association, Inc (MECA), a community-based organization, to provide support and advice on the district's choice initiatives.

¹⁷ Race, ethnicity, and gender are not used as selection factors.

¹⁸ Controlled open enrollment is required in all Florida school districts by state law passed in 1996.

¹⁹ These transfers are individually approved and can only occur when at least one of these conditions is met: "the parent or guardian can substantiate that a health or other type of hardship exists; the student requests admission into a vocational program or a course of study that does not exist in their assigned school; it can be determined that a

change of school assignment may alleviate emotional problems or that an exceptional student can be better served by reassignment to a special program or class.”

²⁰ *From Capital to the Classroom: Year 4 of the No Child Left Behind Act* (Washington, D.C.: Center on Education Policy, 2006). In 2003-2004, the Institute of Education Sciences estimates that 1 percent of eligible students used NCLB school transfer. *National Assessment of Title I: Interim Report* (Washington D.C.: Institute of Education Sciences, National Center For Education Evaluation and Regional Assistance, 2006).

²¹ *National Assessment of Title I: Interim Report* (Washington D.C.: Institute of Education Sciences, National Center For Education Evaluation and Regional Assistance, 2006).

²² The relevant state statute is available at

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1008.331&URL=CH1008/Sec331.HTM; and a technical assistance paper from the Florida Department of Education regarding the new law is available at:

http://info.fldoe.org/docushare/dsweb/Get/Document-4044/k12_06_150att1.pdf.

²³ Charter schools set their own application time period.

²⁴ If a school is unexpectedly found to be in school improvement, or if a school can no longer be transferred into because it gets on the school improvement list, the district notifies parents and they have a second chance to enroll their child.

²⁵ *National Assessment of Title I: Interim Report* (Washington D.C.: Institute of Education Sciences, National Center For Education Evaluation and Regional Assistance, 2006).

²⁶ According to the Center on Education Policy, in 2005-2006, 20 percent of eligible students received SES. The U.S. Government Accountability Office estimate was of the same magnitude: in 2004-2005 19 percent of eligible students received SES, while Institute of Education Sciences estimates participation at 17 percent for that same year. *From Capital to the Classroom: Year 4 of the No Child Left Behind Act* (Washington, D.C.: Center on Education Policy, 2006). *No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Services* (Washington D.C.: United States Government Accountability Office, 2006). *National Assessment of Title I: Interim Report* (Washington D.C.: Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, 2006).

²⁷ Providers must first meet state standards to become a state approved provider. Then they must negotiate a contract with the district itself. Providers must also create an individual Parent District Provider Agreement (PDPA) for each child enrolled in the program to customize the more general goals and expectations outlined by the SES program.

²⁸ The payment process, for example, is complicated, with payment and processing for each individual session of tutoring, as the district cannot pay when the student does not attend.