Unregulated Open Enrollment and Inequitable Access to Schools of Choice

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Abstract

In severing the link between residential address and school assignment, school choice policies have the potential to decrease school segregation and increase educational equity. Yet, this promise is undermined when school choice creates greater opportunity for those who are already privileged while limiting access to students from historically marginalized groups. This study combines data from a new survey of local open enrollment policies in Metro Detroit, student-level administrative records, and geographic data to critically analyze the local discretion provided in Michigan's interdistrict school choice policy in relation to the goals of access to schools of choice, desegregation, and educational equity. I find that local school districts implement provisions of state policy in ways that restrict access to Black and economically disadvantaged students while creating pathways of opportunity for others. Districts are incentivized to implement these restrictions because of the inequities built into the state school funding formula and the racialized geography of Metro Detroit that is mechanized in district and county boundaries to restrict access. This study has implications for the regulation of local school choice markets and the role they play in increasing equitable public school opportunities.

Keywords: school choice, critical policy analysis, segregation, educational policy

When the U.S. Supreme Court ruled in *Milliken v. Bradley* (1974) that school districts would not be forced to desegregate across district lines unless they had engaged in intentional racial segregation, the promise of school desegregation in the city of Detroit and many other urban districts in the North was all but destroyed. *Milliken* enshrined district lines and created a new motivation for White flight from city centers to the suburbs (Driver, 2019) with long-term implications for the ways in which White suburbanites viewed Black Detroiters (Khalifa, Douglas, & Chambers, 2016). In recent decades, however, school choice advocates have evoked the vision of just, equitable, and diverse schools promised in *Brown v. Board of Education of Topeka* (1954) to build motivation for their movement toward market-based reforms, even as desegregation policies have been dismantled (Scott & Quinn, 2014). Long-standing residential segregation, promoted historically by redlining and other discriminatory government housing policies (Rothstein, 2017), has meant that many schools will not become racially integrated if students must attend their residentially zoned schools. By disentangling students' residential locations from school assignment, school choice policies offer a theoretical path toward greater integration.

Yet, decades of research on race and schools has demonstrated that policies that do not give explicit attention to racial equity rarely result in more equitable outcomes or opportunities for racially minoritized groups (see Cobb & Glass, 2009; Holme & Finnigan, 2018; Holme, Finnigan, & Diem, 2016; Kiel, 2016; Lewis & Diamond, 2015; Orfield & Frankenberg, 2013). In addition, school choice policies that create different pathways to accessing desirable schools may recreate patterns of racial sorting and educational opportunity hoarding, rather than ameliorate them (Orfield & Frankenberg, 2013; Posey-Maddox, 2014). Many studies have examined the enrollment and achievement effects of school choice policies, but the legal mechanisms creating

choice pathways are often not included in explaining the results. Analyzing the specific policy mechanisms that may produce or reduce racial inequities in school choice enrollment is essential for understanding how policymakers may craft more equitable policies.

In Michigan, the state interdistrict open enrollment law allows local school districts considerable discretion. Districts can choose not to participate at all; if they do participate, they can choose to enroll students only from districts in their own county or from contiguous counties. They can also determine their application process, including the enrollment start and end dates, the application method (online, paper, or in person), and whether disciplinary records will be considered in determining enrollment. These local implementation decisions have the potential to limit both equitable access to public education and market-based competition to improve. This study uses geospatial tools, rich student-level data, and information on local implementation from 81 districts in the Metro Detroit region to critically analyze how Michigan's interdistrict school choice policy, state school funding policies, and existing patterns of racial segregation interact in creating or limiting access to schools of choice. Specifically, this study asks:

1. How does access to nonresident school districts vary locally and what explains that variation?
2. How is variation in access to nonresident school districts associated with enrollment of Black and low-income nonresidents?

In answering these questions, this study contributes new knowledge about the ways in which policy can, even in omission, codify and reproduce existing social power structures with implications for opportunity, access, and equity in schools. I find that Michigan's school choice policy and school funding formula create incentives for the highest performing and highest funded districts to limit access to nonresident students. These restrictions are associated with

lower enrollment of Black and economically disadvantaged nonresident students. This article has implications for state lawmakers as they consider crafting interdistrict school choice laws and for local school districts as they make decisions about how to implement those laws.

Access and Opportunity in School Choice Markets

School choice policy reforms emerged in the 1990s in response to increasing rhetoric about the failure of American schools to keep pace with our international counterparts (National Commission on Excellence in Education, 1983). Grounded in the economic theories of Friedman (1953, 1962) and bolstered by unlikely allies on both ends of the political spectrum (Chubb & Moe, 1990a; Shanker, 1988), school choice was seen as a pathway toward increasing access to good schools, particularly for low-income students and students who are racial or ethnic minorities. The first proponents of school choice theorized two primary mechanisms that would improve educational opportunities and outcomes for students. First, they theorized that allowing families freedom to choose from among many schools would create a competitive market for students (Chubb & Moe, 1990a; Friedman, 1997). To attract students, schools would improve their offerings in response to demand. As students enrolled in schools that offered more of what they wanted, losing schools would be forced to adapt or close. Second, they theorized that this market would allow schools more freedom to cater their programming to particular family preferences. Rather than trying to be all things to all students, as might be required when students are zoned to schools based solely on where they live, schools could seek to enroll a particular niche of families that might travel from farther afield to attend a school with special offerings (Chubb & Moe, 1990a, 1990b). Over time, this would create a diverse supply of schools that could satisfy the diverse needs and desires of families.

In theory, this competition is meant to increase school quality overall, as schools and districts respond to demands by families for academic rigor, special programs, qualified teachers, and the like. One analysis of the competitive effects of school choice in Chicago found that students did, on average, choose higher performing schools than those they were leaving. However, they also found that higher performing students were much more likely to choose nonresident schools than were the lowest performing students, indicating that market competition was at work but that it may not be serving the goal of equitable access (Sirer, Maroulis, Guimera, Wilensky, & Amaral, 2015). Other research in Detroit has shown that Black students have lower quality schools in their local choice sets *and* enroll in lower quality nonresident schools than their White counterparts (Lenhoff, Singer, Pogodzinski, & Cook, 2019).

A recent meta-analysis of the competitive effects of school choice policies on student achievement showed small positive effects of competition on student achievement, but these effects were moderated somewhat by the specific choice policy being examined with more positive effects found for private school vouchers than for charter schools and traditional public schools of choice (Jabbar et al., 2019). A key feature of all school choice policies is the mechanism for accessing schools of choice. Without reasonable pathways to access choice options, schools will not experience pressure to improve to maintain or increase enrollment. Therefore, features of school choice laws that provide for or restrict access are essential for understanding their potential to achieve the goal of increasing educational opportunity for all students.

What Aspects of Access Matter for Families?

Many studies have documented the importance of family resources in accessing schools of choice. Most families are not able to choose any possible school that they are technically

eligible to enroll in, and the constraints on their ability to choose any school represent dimensions of access that are salient for understanding the relationship between choice and equity (Jabbar & Lenhoff, 2019). Convenience, proximity to home, and transportation to school have been found to be highly important to many parents, as issues of space-based geography can hinder families' abilities to get their children to a school of choice (Bosetti, 2004; Goldring & Phillips, 2008). These geographic considerations tend to matter more for families with fewer economic or social resources (such as friends who can participate in a carpool), who have less time to commute long distances, or who may not own a personal automobile. Issues of place-based geography also matter to families, as schools tend to be situated in neighborhood communities with particular historical, social, and political identities (Bell, 2009b). Based on reputation, demographics, and personal experiences, families can develop ideas about whether a school will be a good fit for their children, which can influence their perception of whether the school is accessible (Bell, 2009b; Rubinowitz & Rosenbaum, 2002; Wells & Crain, 1997). For instance, in their study of Black students who enrolled in a suburban school district in St. Louis, Wells and Crain (1997) found that many Black families and their children doubted whether they could fit into and succeed in predominantly White schools. Therefore, a central dimension of access is location—both the physical distance from home and how far away from home a school is perceived by parents based on whether they feel they and their children would be accepted.

Other dimensions of access that matter for families deal with the institutional mechanisms and processes that permit students to enroll. For instance, a school with selective admissions procedures can both limit access to those families who can meet the selection criteria and can also dissuade families from applying to the school in the first place (West, Ingram, & Hind, 2006). Alternatively, open admissions schools are accessible to all but may be over-

subscribed. Some parents may also perceive these schools as out of reach or worry that their children will not fit in. A study of charter school enrollment in Washington, DC found that students with special abilities or who were learning English did not enroll in charters to the same degree that they did in traditional public schools, suggesting that perceptions of access or receptiveness may be at play (Lacireno-Paquet, Holyoke, Moser, & Henig, 2002).

Information about schools of choice can also enable or constrain access. Differences in how schools communicate about school choice options, application processes, admissions criteria, and timelines can all make a difference in which families choose to apply and enroll (Corcoran & Jennings, 2019). A useful analogy can be found in some states' requirements for advanced voter registration or requirements to provide photo identification at the polls. Although these policies are often promoted as tools to protect elections from voter fraud, research on political participation has found that they can lower participation of racial minorities, immigrants, and lower-income residents even if they are legally eligible to vote (Barreto, Nuño, & Sanchez, 2009). The time and resource costs of navigating complex institutional rules and processes associated with voting are greater for these residents. Similarly, school choice rules that require parents to enroll far in advance of the school year, bring extensive paperwork in person to district offices, or prove eligibility on criteria that are not easily accessible to the public may dissuade some parents from enrolling in nonresident districts. Examining the differences in local enactment of school choice policy may help to illuminate the policy mechanisms that contribute to differential patterns of enrollment in nonresident districts.

Why Restrict Access?

School choice advocates often argue that regulation undermines the market mechanism that will spur competition and improve all schools (Feinberg & Lubienski, 2008). In theory,

freedom from regulation will allow schools and districts to respond to demand by creating programming and enrollment policies that families want. However, other scholars have argued that regulation can help ensure that choices are available to more students and that discriminatory practices are not disguised as local responsiveness to student demand. Cobb and Glass (2009) contend that regulated school choice policies have the potential to increase integration while unregulated school choice polices tend to exacerbate inequities and stratification by race, class, and achievement. There are justifiable reasons why districts would want some local discretion in admitting students outside their boundaries. For instance, responsible fiscal management requires districts to plan ahead for expected enrollment, which is tied to a per pupil funding allotment. Districts need to be able to reasonably approximate how many students they will enroll when they make staffing and programming decisions. In addition, districts may have schools that are over-subscribed with resident students, meaning that admitting nonresident students would require them to build new facilities or restrict access to resident students. These considerations, however, would apply to the enrollment of all nonresident students no matter which districts they are coming from.

In states where the per pupil funding that follows students to schools of choice varies by home district, districts may want to restrict enrollment to students whose per pupil funding matches or surpasses their own. When school choice decisions are made by elected school board members or an appointed superintendent, as they are in Michigan, the political preferences of residents may also influence local districts' decisions. Local school boards may not want to risk losing an election or failing to pass a school bond because their constituents are unhappy about the enrollment of nonresidents. Although the research on voters' response to nonresident enrollment has not found a strong relationship with the passage of school bonds (Pogodzinski,

Lenhoff, & Addonizio, 2018b), other research has documented mixed relationships between the age and demographics of the electorate and school bond passage (Berkman & Plutzer, 2005; Glass, 2008), theorizing that older residents will be less inclined to support spending money on schools that they are no longer using. In the same vein, the demographics and age of residents may influence their preference for nonresident enrollment (Ladd & Murray, 2001; Shober, 2011), which would be conveyed through the ballot box and influence local policies. Districts may also prefer to enroll only particular nonresidents, such as those that they believe will succeed in their schools. The politics around school accountability brought about by the No Child Left Behind Act and the Every Student Succeeds Act may have created disincentives to enroll students who districts perceive will be more difficult to educate to the level of proficiency on grade-level standards.

The same political forces that ushered in school choice reforms in the 1990s and 2000s also emphasized a reduction of government regulation and policy prescriptions. The theory was that state policy could allow for choice but that local educational entities would decide whether and how to implement choice policies, allowing them to respond to varying local contexts. The emphasis on local control in education policy has a historical legacy rooted in racism and segregation (Orfield & Eaton, 1997). Even while the U.S. Supreme Court ruled that segregated schools were unlawful in *Brown v. Board* (1954), states delayed and attempted to block integration efforts by claiming local control was necessary to keep the peace. As recently as 2013, local school district leaders claimed local control when they opted to “de-merger” from Shelby County Schools after a public ballot proposal merged suburban districts with the main district in Memphis, Tennessee (Siegel-Hawley, Diem, & Frankenberg, 2018). Although the motivation for the merger was primarily financial, to make up for declining revenue and

enrollment in Memphis City Schools, scholars have argued that the fall-out and eventual secession of six municipalities was related to powerful leaders seeking to consolidate educational advantages for primarily white communities (Frankenberg et al., 2017; Siegel-Hawley et al., 2018). Therefore, it is important to analyze the ways in which local discretion can paper over real problems in creating equitable pathways of access and opportunity.

Racial and Economic Equity and Choice

Nationwide, nearly 50% of Black and Latinx students are enrolled in public schools where more than 75% of students qualify for free or reduced-price lunch; just 8% of White children attend high poverty schools ("National Equity Atlas," 2017). The gap is even greater in large metropolitan areas like Detroit, where systemic segregation and White flight have contributed to deep racial and economic divides that are codified along school district boundary lines. High poverty schools perform significantly worse, on average, in student achievement, graduation rates, college matriculation, and a host of other student outcomes related to future success and economic mobility (Orfield & Lee, 2005; Reardon, 2011). Racial isolation is also associated with negative outcomes, such as lower standardized test scores (Mickelson, Bottia, & Lambert, 2013). Attending racially integrated schools is associated with positive outcomes for students across demographic groups (Mickelson, Bottia, & Southworth, 2008; Saatcioglu, 2010). Therefore, decreasing the number of racially and economically segregated schools and increasing access to schools with lower rates of poverty and more racial diversity is essential to ensuring that public education serves all students equitably and well.

School choice is one mechanism with theoretical promise to increase equitable access to high quality schools and to decrease the racial and economic segregation of students. By severing the link between home address and school assignment, school choice provides a path

for students to enroll in schools outside their residential catchment areas, potentially increasing the likelihood that students from different socioeconomic and racial backgrounds will attend school together. However, many studies have demonstrated that school choice policies writ large have not, on average, succeeded in increasing school racial or economic integration (Orfield & Frankenberg, 2013; Scott & Wells, 2013). Research on charter schools has shown that they tend to increase segregation relative to traditional public schools nearby (Bifulco & Ladd, 2007; Cobb & Glass, 1999; Frankenberg, Kotok, Schafft, & Mann, 2017; Frankenberg & Lee, 2003; Garcia, 2007; Sohoni & Saporito, 2009). Saporito (2003) found that magnet school enrollment led to increasing segregation in neighborhood schools as White families enrolled in schools with lower percentages of non-White students, and wealthier families enrolled in schools with lower percentages of low-income students. Studies of the effects of private-school voucher programs on segregation are mixed, although some have found no impact on segregation or decreasing segregation in traditional public schools (e.g., Egalite, Mills, & Wolf, 2016). Studies of interdistrict choice have focused primarily on the characteristics of students who are choosing, rather than on the aggregate effects on school racial composition (Carlson, Lavery, & Witte, 2011; Cowen, Creed, & Keesler, 2015; Lavery & Carlson, 2014).

Differences in enrollment by racial group do not in and of themselves indicate discrimination. While some research has demonstrated that schools are less responsive to school choice applicants who are lower performing, have disciplinary problems, or have disabilities (Bergman & McFarlin Jr., 2018), other research has found differences in parental preferences that track along racial and economic lines. For instance, middle-class families have been found to consider different schools in their choice sets than low-income families, partly due to constraints such as geographic proximity to different quality options and access to transportation (Bell,

2007, 2009a, 2009b). In their study of school choice preferences in a citywide lottery, Glazerman and Dotter (2017) found that school demographics influenced choosing and that low-income choosers responded to different indicators of school quality than high-income choosers. Low-income choosers had a lower preference for schools with greater percentages of same-race students and lower shares of low-income students than higher-income choosers. Other studies have found that White families are more likely to use school choice to leave school districts as the non-White population increases and that Black families tend to choose schools that are more racially segregated than their zoned schools (e.g., Bifulco & Ladd, 2007; Billingham & Hunt, 2016; Lankford & Wyckoff, 2006).

These patterns may reflect racial group preferences, but they may also reflect different levels of access to schools or districts by race or income or differential trade-offs in academic performance and racial demographics. In a natural experiment in North Carolina, Hastings, Kane, and Staiger (2006) found that preferences for high quality schools were idiosyncratic by race and income but that proximity to school drove school choices for some families more than others. In a subsequent study on the same experiment, Black students who traveled farther to higher performing schools tended to enroll in schools with much lower minority populations and had to trade between attending higher performing schools farther from home or schools closer to home with more same-race students (Hastings, Kane, & Staiger, 2009). Decisions to choose between two or more competing preferences may in turn be moderated by the ease or difficulty of enrolling in schools of choice, the information available, and the accessibility of the desired options.

What We Know and Do Not Know about Interdistrict School Choice and Equity

Interdistrict school choice policies allow students to enroll in traditional public schools outside their residential districts. Most states have provisions for allowing students to enroll in nonresident school districts, and many require districts to enroll nonresidents who live in school catchment areas with failing schools. Arkansas, for instance, mandates that districts enroll nonresident students who are in districts with "facilities distress," and Florida requires districts to enroll nonresident students as long as their schools have capacity, which must be listed on their websites (Education Commission of the States, 2018). Other states do not require open enrollment, but allow it on the condition that student transfers do not result in increased racial segregation or risk noncompliance with desegregation plans. Still other states, like Michigan, allow open enrollment but leave a great deal of discretion to districts in determining how to implement it. According to the Education Commission of the States (2018), just three states do not allow any interdistrict transfers (Alabama, Maryland, and North Carolina). Therefore, being able to access nonresident schools further allows the competitive mechanisms of choice to play out.

Although open enrollment theoretically expands school access, boundary lines between school districts often represent more than neutral governmental catchment areas. U.S. school district boundaries in large metro areas were one of the state-sanctioned methods of excluding certain students, limiting access to schools with greater funding, or explicitly preventing integration (Rothstein, 2017). Even as school choice policies lifted the legal restrictions that prevented nonresident students from enrolling across district lines, local school districts can enact choice policies in ways that reconstruct those boundaries. In a report from the Education Commission of the States, the details about how districts can accept or deny students are described as being "the real gatekeepers" in accessing schools of choice (Mikulecky, 2013). For

instance, by placing geographic limits on school choice, access can mirror patterns of residential segregation. By placing caps on the number of nonresident students that will be admitted, districts may be signaling to parents that they are unlikely to get a spot, deterring their applications. Other types of local decision-making, such as whether districts review disciplinary records in determining admittance, can also impact students differently along lines of race and class.

There is mixed evidence that open enrollment leads to more equitable access to high quality schools. Using data from Colorado, Lavery and Carlson (2014) found that students who enrolled in nonresident districts were, on average, more economically advantaged than students who stayed in their home districts. Similarly, Carlson, Lavery, and Witte (2011) found that, in Colorado and Minnesota, students who lived in higher performing districts were more likely to participate in open enrollment than students in lower performing districts. Other studies have found that students of color are more likely to participate in open enrollment (Schneider, Schiller, & Coleman, 1996), including a recent analysis using Michigan data that found greater participation among Black, low-income, and lower performing students (Cowen, Creed, & Keesler, 2015). Prior work in Michigan has shown that open enrollment from Detroit may follow or be associated with increased exiting of White residents from suburban districts (Pogodzinski, Lenhoff, & Addonizio, 2018a). These seemingly contradictory findings likely reflect differences in state and local school choice policy, which matter for equitable access. Yet, these studies do not explain how variations in the implementation of state interdistrict choice laws at the local level may shape the landscape of choices available to students and, therefore, drive the identified patterns of enrollment by student subgroup.

Critical Policy Analysis

In this study, I critically analyze whether the local discretion afforded to districts in Michigan's open enrollment policy inequitably undermines the school choice tenet of *access* in three potential ways: 1) by allowing districts to restrict access differentially by county boundary lines; 2) by allowing districts to create institutional barriers that may make it more difficult for low-income and racially minoritized families to enroll; and 3) by incentivizing districts to restrict access in the above ways because of provisions in the state school finance law. To do this, I conduct a critical policy analysis to explore how the seemingly neutral use of county and district boundary lines to determine eligibility, the institutionalized processes required of families to enroll in nonresident districts, and the financial incentives codified in Michigan law may serve to perpetuate racial power and school segregation.

Critical policy analysis has emerged as a method of analyzing how education policies, combined with other policies and societal structures, play a role in creating the conditions in which inequitable school and societal outcomes are perpetuated (Diem & Young, 2015; Diem, Young, & Sampson, 2019; Diem, Young, Welton, Mansfield, & Lee, 2014). Prunty (1985) argues that critical policy analysts should be "anchored in the vision of a moral order in which justice, equality and individual freedom are uncompromised by the avarice of a few;" should take "sides with the oppressed groups such as the working class, the poor, ethnic and racial minorities, and women;" and should know enough about the policy arena to navigate the complexities of language and science that can be used to obscure meaning and impact (p. 136). Prunty's (1985) vision of critical policy analysis also includes guiding principles for the substance of the analysis, which he argued should "strive to expose the sources of domination, repression, and exploitation that are entrenched in, and legitimated by, educational policy;"

should interrogate how educational institutions communicate policy messages; and should address "itself to the ways in which humans unknowingly abet their oppressors" (p. 136).

The concept of a critical policy ecology, as developed by Weaver-Hightower (2008), builds on the idea that policy interacts with and affects existing policies and the institutions it is related to. He argues that a policy ecology consists of a complex web of "actors, relationships, environments and structures, and processes" that interplay for potential impact far beyond the specific scope of a policy itself (Weaver-Hightower, 2008, pp. 155-156). Critical policy analyses have become increasingly common in education research, particularly as a method to explore the ways in which market-based reforms have been designed and implemented to undermine the goal of increasing opportunity (Scott & Wells, 2013). Many education critical policy analyses have also critiqued the role of policy in perpetuating discriminatory notions of race (see Dumas, Dixson, & Mayorga, 2016) or of being implemented in such a way that White students benefit at the expense of Black students and their families (Diem, Holme, Edwards, Haynes, & Epstein, 2019; Pedroni, 2011).

While many studies have examined which students participate in open enrollment and describe the effects of school choice on the racial and economic segregation of schools, few studies have analyzed the specific policy mechanisms and their relationship to other policies and social dynamics that may lead to differential access for student demographic groups. In order to understand how state and local policy mechanisms may be restricting access to low-income and racially minoritized students, I conceptualized the nonresident choosing process as having multiple steps at which access can be restricted, as shown in Figure 1. While the technical steps required of the policy represent junctures of possible restriction, the context in which the policy is being implemented is also fraught with the legacy of racial segregation that maps onto what

the law treats as neutral county and district boundaries. These boundaries, both in place and in space, have the possibility of restricting access or altering perceptions of access for families. This study critically analyzes the consequences of empowering local school districts to determine how to enact choice policy, focusing in particular on the implications for racial inequity brought about by contradictions within a policy mechanism that simultaneously increases access and gives districts the option to restrict access. I hypothesize that district population characteristics will be related to how open the district is to nonresident students. In particular, I hypothesize that districts with higher proportions of Black residents and lower foundation allowances will be open to nonresident enrollment. I also hypothesize that districts with higher foundation allowances or with populations that are older, that have lower percentages of Black residents, that are more highly educated, or that are closer to districts with large Black populations will be more likely to be closed to nonresidents or restrict access in other ways. I also hypothesize that any restrictions on access to nonresidents will lower the odds that Black or economically disadvantaged nonresidents will enroll.

[INSERT FIGURE 1 ABOUT HERE]

Detroit and Michigan Context

Metro Detroit, like many urban areas in the U.S., is deeply segregated along racial and economic lines. The 2010 Census reported that Black residents made up about 23% of the Metro Detroit region. Yet, Blacks make up about 80% of the residents within the city of Detroit. The infamous *Milliken v. Bradley* (1974) Supreme Court decision, which prevented interdistrict desegregation plans when districts were not found to have purposefully discriminated, played a role in making Metro Detroit schools some of the most racially stratified in the country (Holme, Finnigan, & Diem, 2016). As shown in Figure 2, Black residents are highly concentrated in

Detroit and a handful of other districts in the region, including Pontiac. The county boundary line for Wayne County (where Detroit is located) runs along the northern border of Detroit and goes westward, following the district boundaries along a similar parallel. Macomb County is northeast of Detroit, with a border that runs north-south, just one district to the east of Pontiac. Oakland County (where Pontiac is located) is to the northwest of Detroit.

[INSERT FIGURE 2 ABOUT HERE]

In the early 1990s, Michigan established a series of reforms to public education governance and financing that have had enormous consequences for the ways in which school systems are organized today. These included a new way of funding public schools, provisions to allow for the rapid establishment of charter schools, and provisions that allowed for intra- and interdistrict school choice (Arsen, Plank, & Sykes, 1999). First, after Governor John Engler's administration eliminated the state's property tax—the primary funding source for public education—Michigan voters passed Proposal A in 1994. Proposal A capped the amount that local districts could tax residents to fund schools and instead created a state foundation allowance, primarily funded through a sales tax, that would provide every district a per pupil allotment. However, the foundation allowance varied by how much districts had previously raised to fund their schools. To avoid penalizing high-spending districts, the law allowed some high-spending districts to receive a "max amount above and beyond the basic foundation allowance," and it also allowed them to be designated as "hold harmless" so that they could raise local property taxes beyond the new cap. Therefore, although districts are more equitably funded now than they were before Proposal A, there is still a gap in the state foundation allowance. In 2015-16, the average foundation allowance in the Detroit Tri-County area was $8,096, and it ranged from a low of $7,391 to a high of $12,004 (Senate Fiscal Agency, 2019). Proposal A also

required facilities to be funded via local property taxes, which could not be used to fund operations unless districts were designated “hold harmless.”

In 1994, Governor Engler signed a law allowing the establishment of charter schools in Michigan. Charter schools must be authorized by one of several educational institutions in the state, including universities, community colleges, or local school districts. The authorizers were given sole authority to determine if proposed independent schools should be granted a charter. In 2015-16, there were more than 300 charter districts with 370 individual charter schools throughout the state. That year, more than 200 charter schools were located in the Metro Detroit Tri-County region, with nearly 100 in the city of Detroit. Across Michigan, about 145,000 students attended charter schools, including approximately 86,000 students in Metro Detroit, or roughly 15% of the students who attended school in the region (Center for Educational Performance and Information, 2019).

Shortly after the establishment of charter schools, Michigan passed laws permitting interdistrict choice or open enrollment. Sections 105 (1996) and 105c (1999) of Michigan’s State School Aid Act allowed local school districts to enroll nonresident students from within their intermediate (county) school district and from any contiguous intermediate school district, respectively. These provisions removed the previous requirement that students’ home districts approve the transfer, and they allowed state per pupil funding to follow students to the districts in which they enrolled. These sections permitted local school districts to determine whether they would allow nonresidents to enroll, how many, in which grades, and from which districts—those in their county only or districts in their county and contiguous counties.

Michigan’s State School Aid Act explains how the foundation allowance is allocated for nonresident students who enroll via the interdistrict school choice provisions:

> For a pupil enrolled pursuant to section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section shall be based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. (The State School Aid Act of 1979, 1993)

Therefore, districts that enroll nonresident students may receive a lower per pupil foundation allowance for those students than their resident students, depending on the foundation allowance of the districts in which they live.

State and national test score data indicate that public schools in the City of Detroit are some of the lowest performing in the nation. At the same time, Michigan has some of the most expansive school choice laws in the country, with limited restrictions on charter schools and open enrollment across district lines. This constellation of policy and educational opportunities makes Metro Detroit an important context to understand how local choice policy is being enacted and what effect it has on equitable access to schools, particularly for children who live in and around Detroit. By establishing different rules for nonresident enrollees depending on which counties they live in, districts may be using socially-constructed boundaries to keep certain students out of their districts while admitting others, creating the illusion of accessibility while limiting access for students who are seen as less desirable.

Data and Methods of Analysis

The analysis was conducted in two phases: 1) an analysis of the variation in district school choice policy and 2) an analysis of the association between student characteristics and enrollment in school of choice districts with different policies. In phase one, I first categorized all districts in the tri-county Metro Detroit area (n=81) by their school choice polices using data collected from an internet survey of enrollment specialists at each district and additional

information gathered from intermediate school district archival materials. The survey asked district officials to report whether they allowed open enrollment at all, whether they allowed open enrollment from their own county and contiguous counties, whether they capped the number of students who could open enroll, and their application timeline. A total of 25 districts responded to the initial online survey for a response rate of 31%. For the remaining districts, a graduate student assistant called the district enrollment offices and the county-wide district offices to acquire documentation of interdistrict enrollment policies. Through this process, we were able to capture data on every district in the Metro Detroit region for the 2015-16 school year. This information was aggregated and used to categorize districts by their level of openness to school of choice students. District-level survey data were then merged with publicly available data on community characteristics from the American Community Survey (percentage of residents with a bachelor's degree, percentage of residents over the age of 65, and percentage of residents who are Black), as well as data on student enrollment trends from the Michigan Department of Education (proportion of student enrollment in 2015-16 relative to student enrollment in 2005-06).

As shown in Table 1, I categorized school districts by their openness to nonresident students by determining whether they permitted nonresident students from within their county and contiguous counties and whether they placed a cap on the number of nonresident students allowed to enroll. Districts were categorized as "open" if they permitted nonresident students from within their county and from contiguous counties and if they did not put a cap on the number of nonresident students who could enroll. Districts were categorized as "controlled" if they allowed students from within and outside their county but capped the number of nonresidents. "Restrictive" districts were those that only allowed nonresidents from within their

county and capped the number who could enroll. “Exclusionary” districts permitted only nonresidents from within their county but did not cap the number who could enroll. Finally, districts were categorized as “closed” if they did not permit nonresidents to enroll through Michigan’s school choice policy. These districts may have enrolled nonresidents through other mechanisms, such as children of district employees; however, very few nonresident students in Michigan enrolled through mechanisms other than the school choice law. For instance, in 2015-16, about 3% of students in Metro Detroit enrolled in nonresident districts through other means, compared to 8% who used school of choice provisions to enroll in nonresident districts. Importantly, once a student has enrolled in a nonresident district, they are eligible to continue in that district even if it subsequently closes enrollment to new nonresidents. Therefore, some “closed” districts have current students who are nonresidents.

[INSERT TABLE 1 ABOUT HERE]

Using a publicly available map of district boundary lines, I used QGIS mapping software to calculate the distance in miles between every tri-county district and the nearest Black district in the area. A Black district was defined as one in which the community population was more than 30% Black, which is about one standard deviation above the mean percentage of Black residents in Metro Detroit districts. This definition was used because, as explained earlier, Metro Detroit is highly segregated along racial lines, which mirror district and county boundaries. Black districts have lower foundation allowances, on average, than districts with lower proportions of Black students, and they also have higher proportions of economically disadvantaged students than other districts. To the extent that districts may want to restrict access to nonresident students who are Black, economically disadvantaged, or who live in districts with lower per-pupil funding, the distance from a district with a higher proportion of Black residents

may be proxy for that rationale. Figure 3 shows the districts that were designated as Black districts for this analysis. For districts that bordered a Black district, the value for distance from the nearest Black district variable was zero. For the creation of this variable, one school district outside of the Metro area, Ypsilanti, was included because it borders Wayne County and meets the criteria of a Black district. This is the only Black district that borders the tri-counties but is not within the counties. The "distance from the nearest Black district" variable was merged into the district database. This district-level database was used to describe and analyze the variation in district characteristics by their openness to school of choice students. Descriptive characteristics of the district sample can be found in Table 2. ANOVAs were run to compare "open" districts with the other district categories on the variables of interest. A multinomial logistic regression was run to estimate the association between community variables and the log-odds that a district would be "open" or "closed" to nonresident students, following the equation

$$l = \beta_0 + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \beta_4 x_4 + \beta_5 x_5 + \beta_6 x_6$$

where β_1 is the proportion of enrollment in 2015 compared to 2005, β_2 is the distance in miles to the closest Black district, β_3 is the percent of community residents who have a bachelor's degree, β_4 is the percent of community residents who are over 65, β_5 is the percent of community residents who are Black, β_6 is the foundation allowance in the district, and l is the log odds of the school district having restrictions on school choice students compared to districts with no restrictions. Log-odds were then converted to relative risk ratios for ease of interpretation. This model excluded variables related to districts' student populations because the level of openness to school of choice students is likely to shape the makeup of the student body.

[INSERT FIGURE 2 ABOUT HERE]

[INSERT TABLE 2 ABOUT HERE]

In phase two of the analysis, restricted-use administrative student-level data from the Michigan Department of Education and the Center for Educational Performance and Information were used to analyze the association between student-level characteristics and the odds of enrollment in nonresident districts. These data included student demographic information (i.e., race or ethnicity, economic disadvantage, special education status, and English language learner status), geocodes for student home address, and enrollment status for all K-12 public school students in the tri-county area in 2015-16. A variable representing the distance between a student's home census block and their school census block was created using QGIS. Student-level data were combined with the district-level data described above, merging the districts where students attended school onto their student-level files. Descriptive characteristics of all Metro Detroit K-12 students and the sample of nonresident students can be found in Table 3. Correlations were run to analyze the strength of the associations between the student-level characteristics and enrollment in a nonresident school district. Finally, the sample was restricted to students who had successfully enrolled in a nonresident district. A multinomial logistic regression was run to estimate the log-odds of a school of choice student enrolling in a district with different choice policies, given individual student characteristics. Standard errors were clustered at residential districts to adjust for interdependence (Jayatillake, Sooriyarachchi, & Senarathna, 2011). The base outcome was being enrolled in an "open" district as a school of choice student, and results are shown as relative risk ratios for ease of interpretation. Although "closed" districts did not enroll new nonresident students in 2015-16, they may have previously permitted nonresident students to enroll or nonresidents may have enrolled through another mechanism, such as being a child of an employee. For this reason, students enrolled in "closed" districts were included in the model.

[INSERT TABLE 3 ABOUT HERE]

Limitations

This study has a number of important limitations. First, because it examines the implementation of a unique state school choice law in one metro region, its findings cannot be assumed to apply to other states or metro areas. Second, in using cross-sectional administrative data and restricting student-level analyses to those students who already use school of choice, the analysis is unable to tease out the potential effect of local school choice polices on families' decisions to use school choice at all, nor can it isolate a causal effect of the policies on students' enrollment. In particular, non-observable student characteristics, such as family preferences for certain school types or peer demographics, may influence the estimates. In addition, other research has documented that school choice use is dynamic, with many students using open enrollment one year and then switching back to their home districts the next (Cowen, Creed, Keesler, 2015). Future analyses, then, should use longitudinal data to examine whether local district choice polices influence this mobility and to determine if these patterns are sustained across multiple years. Finally, local school choice policy can change over time, with some districts "open" one year and "closed" the next. Districts may have real capacity constraints that limit their ability to admit nonresident students. Although these constraints should not influence the enrollment of nonresident students from certain counties but not others, these dynamics likely also influence the enrollment of nonresident students across time. Research that is able to measure the enrollment capacity of individual districts would strengthen the associative claims made in this paper.

Results

Research Question 1

Variation in Local School Choice Policies

There were 81 local education agencies (LEAs or traditional public school districts) in the tri-county Metro Detroit area in 2015-16. As shown in Table 2, the districts varied dramatically in their size and characteristics. The smallest district, Ecorse Public Schools, enrolled just over 1,000 students in 2015-16, while Detroit, the largest, enrolled more than 45,000. Most school districts have shrunk in the last decade; in 2015-16, the average district was 92% of the size it was ten years prior. Although the region was overall racially and economically diverse, individual districts were generally segregated by race and class, with some districts enrolling more than 90% White students and others enrolling more than 90% Black students. There was also a wide range of performance on state standardized tests, with some districts enrolling more than 70% of students who were proficient in reading and math and others enrolling less than 10% who were proficient. Similarly, graduation rates ranged from a low of 34% to a high of 97%. Importantly, there was a large gap in the state foundation allowance among the districts in the sample, ranging from $7,391 to $12,004. This is important because districts receive the lesser of their own foundation allowance or an enrolling nonresident student's foundation allowance from their home district.

There was considerable variation in how local school districts in Metro Detroit implemented the school choice open enrollment policy. Figure 3 shows the geographic distribution of districts by their openness to school choice students. Detroit is the large "open" district on the bottom right of the map. There is a ring of "open" districts along Detroit's northern border, then a ring of districts with restrictions on open enrollment, then more "open" districts farther away from Detroit. Nearly 15% of local school districts in the Metro Detroit area did not permit nonresident students to enroll in any grade. These districts included some of the

highest performing school districts in the state, such as Grosse Pointe Public Schools, which borders Detroit, Bloomfield Hills Schools, Birmingham Public Schools, and Rochester Community School District. In addition, of the districts that allowed nonresident students to enroll, nearly 45% did not permit nonresident students from outside their counties. This is notable considering that the state did not require school districts to provide transportation or extra services to nonresident students.

[INSERT FIGURE 3 ABOUT HERE]

Although there was too much variation to include the application timeline in the criteria for categorizing districts by school choice policies, there was a clear distinction in the minimum time allotted to enroll between "open" districts and others. In all 31 "open" districts, the shortest application period was 6 months before the start of the school year, and some were as long as 9 months. State law requires districts to have a 2-4 week application period if they put a cap on open enrollment. This is why "controlled" and "restrictive" districts had a 2-4 week timeline for applications. "Exclusionary" districts, those that do not have a cap on enrollment but exclude nonresident students from outside their county, had a range of application periods from 1-7 months. The average enrollment window across all districts was 111 days long, or about 3.5 months. However, the range was between 18 and 256 days. In addition, the enrollment periods began as early as January in some districts and as late as August in others. In Walled Lake Consolidated Schools, for instance, open enrollment began on January 11 and ended on January 29, meaning that nonresident students would not be admitted after that date. In Southfield Public School District, the enrollment window was the same length, but occurred between August 1 and August 19. At the other end of the spectrum, Fraser Public Schools enrolled nonresident students from January 4 to September 16. These wildly different application timelines and procedures

may make it difficult for prospective parents to navigate the rules of enrolling in a nonresident district, potentially decreasing the likelihood that they would attempt to do so.

Factors Associated with Variation in Local School Choice Policies

As shown in Table 4, ANOVAs were run to test the null hypothesis that district characteristics did not vary based on their categories of openness to school choice students. Each school choice category was compared to "open" districts. "Closed" and "restrictive" districts had the most characteristics that were significantly different from "open" districts. For instance, they had more residents who had bachelor's degrees and who were over 65 years of age than did "open" districts. Their student bodies also differed significantly. "Closed" and "restrictive" districts enrolled more White students and fewer students who were Black or economically disadvantaged than "open" districts. Their student performance on standardized tests and graduation rates were also significantly higher than in districts with no restrictions on open enrollment. Although the performance of school of choice students may be driving the performance differences in some districts, this may indicate that Metro Detroit students did not have access to the highest performing school districts in the region through open enrollment. Finally, the foundation allowance was significantly higher in "closed" districts, which received $1,301 more per pupil, on average, than "open" districts. The foundation allowance for "restrictive" districts was also higher than for "open" districts. "Controlled," "restrictive," and "exclusionary" districts were all significantly closer to a Black district than "open" districts. This may indicate that districts were more willing to put no restrictions on open enrollment when they were farther away from districts with many Black residents. "Closed" districts were not significantly different then "open" districts in their distance to the nearest Black district.

[INSERT TABLE 4 ABOUT HERE]

To explain the variation in local school choice policy, a multinomial logistic regression was run to estimate the log-odds of a district having restrictions on open enrollment with each category as an outcome variable and "open" as the base outcome, as shown in Table 5. Results are shown as relative risk ratios. The risk of a district being "controlled," "restrictive," or "exclusionary," as opposed to "open," decreased as the distance from the closest Black district increased. For instance, increasing the distance from the closest Black district by one mile cut in half the risk of a district being "controlled" relative to an "open" district while holding all other variables constant. The relative risk of a district being "restrictive" or "exclusionary" compared to "open" decreased substantially as the percentage of Black residents in the district increased. As the percentage of residents over 65 increased, the risk of a district being "exclusionary" increased relative to "open." Finally, the risk that a district was "closed" rather than "open" increased as the percentage of residents with a bachelor's degree increased, holding all other variables constant. Other variables that were significantly different among the sample in the ANOVAs were not statistically significant while holding other variables constant, including the foundation allowance of a district, although it did approach significance for "restrictive" districts as compared to "open" districts ($p<0.072$).

[INSERT TABLE 5 ABOUT HERE]

Research Question 2

Factors Associated with Enrollment in Districts with Different School Choice Policies

In phase two of the analysis, a sample of nonresidents from a student-level administrative database on every K-12 student enrolled in a regular public school in Metro Detroit was used to estimate the association between student characteristics and enrollment in districts with different school choice policies. The full sample included 542,624 students, about 9% of whom enrolled

in a nonresident school district through the state school choice law in 2015-16: 4% enrolled in an "exclusionary" district, 3% enrolled in an "open" district," 1% enrolled in a "controlled" district," 1% in a "restrictive" district, and less than 1% enrolled in a "closed" district. About 15% of students in the sample were enrolled in a charter school.

Table 6 shows the correlations between student-level characteristics and being a school of choice student. School of choice students are different, on average, than those students who do not enroll in schools of choice in important ways. The strongest correlation between an individual student trait and school choice status was being Black. Being Black was positively correlated with being a school of choice student. Student economic disadvantage was also positively correlated with school choice enrollment. School of choice students attended schools an average of 4.46 miles away from their homes, compared to an average 2.10 miles for non-school of choice students, meaning that distance from school was positively correlated with school choice enrollment.

[INSERT TABLE 6 ABOUT HERE]

In our final analysis, the sample was restricted to only the 9% of students who enrolled in a nonresident district in order to determine the association between student characteristics and successful enrollment in districts with different local choice policies. As shown in Table 7, holding other student characteristics constant, including the distance a student traveled to attend school, Black nonresident enrollees were significantly less likely to enroll in "controlled," "restrictive," or "exclusionary" districts than they were to enroll in "open" districts. For instance, being a Black nonresident enrollee decreased the odds of enrolling in a "controlled" district compared to an "open" district by more than half and the odds of enrolling in a "restrictive" district compared to an "open" district" by about 85%. This means that Black nonresidents are

much less likely than White nonresidents (with whom they share all other characteristics, including distance traveled to school) to enroll in "controlled" or "exclusionary" districts than in "open" districts. Economically disadvantaged students were also less likely than non-economically disadvantaged students to enroll in "controlled," "restrictive," or "closed" districts than "open" districts, controlling for other characteristics. The findings for Other Race students (representing about 8% of the students in the sample) were inconsistent across the possible outcomes. Other Race nonresident students were more than two times more likely than White students to enroll in a "controlled" district rather than to enroll in an "open" district, but they were half as likely to enroll in a "restrictive" district than in an "open" district. Latinx nonresident students were nearly twice as likely as White students to enroll in a "restrictive" district than in an "open" district.

The odds of an economically disadvantaged nonresident enrolling in a "closed" district was about one-third the likelihood of enrolling in an "open" district compared to non-economically disadvantaged students. English language learners were also significantly less likely than non-ELLs to have enrolled in a district that was "restrictive" or "exclusionary" rather than in an "open" district. Special education nonresident students were much more likely than non-special education nonresidents to enroll in a "restrictive," "exclusionary," or "closed" district rather than in an "open" district. Finally, nonresident students who traveled farther to school were less likely to enroll in an "exclusionary" district rather than in an "open" district, and female nonresidents were more likely than male nonresidents to enroll in an "exclusionary" district rather than in an "open" district.

[INSERT TABLE 7 ABOUT HERE]

Discussion

Critical policy analysis draws our analytical gaze to the ways in which policy uses and consolidates power and how that policy power is related to racial equity (Diem, Holme, Edwards, Haynes, & Epstein, 2019; Holme & Finnigan, 2013, 2018; Holme, Finnigan, & Diem, 2016; Holme & Richards, 2009). More than 60% of districts in Metro Detroit restrict open enrollment in some way, with nearly 15% completely closed to nonresident students. The makeup of district communities is associated with how they restrict access. Communities with more highly educated residents are more likely to be "closed," while districts with more Black residents are less likely to restrict access. When districts allow nonresident students to enroll, they are less likely to restrict school choice access when they are farther away from a district with a large Black population. This suggests that districts—intentionally or not—may be warier to admit nonresident students when those students are more likely to be Black.

These local restrictions are associated with the enrollment of Black and economically disadvantaged nonresident students. Even though Black students use school choice at a higher rate than White students, they are significantly *less* likely than White students to enroll in school choice districts with restrictions than in "open" districts, even when controlling for the distance they travel to school. A useful illustration of this is comparing the Black nonresident enrollment in "open" districts versus "exclusionary" districts, which each enroll roughly the same percentage of nonresidents in the metro region. Black students make up 52% of nonresidents in "open" districts but just 27% of nonresidents in "exclusionary" districts, which restrict access to only those students who live within their county. Because of the racialized geography of Metro Detroit, the seemingly neutral use of county boundaries can recreate inequities in access by race.

Proponents of school choice nationally (e.g., Chubb & Moe, 1990a, 1990b) and in Michigan (Ladner & Brouillette, 2000) have argued that increasing choice and competition

through open enrollment will lead to better outcomes for students because schools will respond to pressure to improve and students will have access to better schools. Yet, the promise of improvement and opportunity hinges on access to schools of choice. If families who seek nonresident schools cannot access those schools, either because they cannot physically get to them, they perceive them as unattainable, or rules prevent them from enrolling, then resident schools will not feel the pressure to improve in order to retain enrollment. Michigan's interdistrict school choice law has created several pathways to restrict access to Michigan's most vulnerable Black and economically disadvantaged students, many of whom live in hyper-segregated school districts and attend high poverty schools. By giving districts discretion and not providing oversight to ensure that districts are not inequitably restricting access, state policy is serving to perpetuate the racial segregation that was brought about by racist housing policies and quickened by the *Milliken v. Bradley* decision.

Because schools are funded at different levels and the policy funds nonresident students at the lowest amount between the nonresident foundation allowance and the district foundation allowance, the state is incentivizing districts to restrict access to nonresident students who may bring lower foundation funding. By restricting access to students only within their own counties, districts can shape the population flows of nonresident students. Many of the highest foundation allowance allotments in the state are given to districts in Oakland County. Therefore, there is a financial risk for an Oakland County district to open its borders to nonresidents from Wayne County, where Detroit is located. Many of the students who live in Wayne County would come with a lower foundation allowance than their receiving district. Michigan can rectify this inequitable provision in its state law by 1) equalizing the per pupil foundation allowance across districts and 2) equalizing the foundation allowance for nonresident students.

Empowering school districts to determine enrollment caps without requiring them to report capacity levels to the state or document how they have made decisions about capping enrollment allows districts to restrict enrollment to very small numbers of students (or restrict them completely), even when districts' own residential enrollment is declining precipitously. In Grosse Pointe, for instance, where the school district borders Detroit, the district has been closed to nonresident enrollment for years (Derringer, 2013). Yet, school officials recently announced that they would have to close and merge schools due to declining enrollment (Chambers, 2019). Better management and oversight of the population flows of students within and between districts would allow the state to foresee these issues and recommend gradual enrollment of nonresident students or transfer agreements between districts. At the very least, the state could monitor enrollment and capacity levels, as is done in Florida.

The racialized geography of Metro Detroit cannot be disentangled from school policies that mechanize district and county boundaries for the purposes of restricting access to schools of choice. By allowing districts to use these boundaries to permit or restrict choice, Michigan is allowing the perpetuation of segregated school systems. This study demonstrates that districts are more likely to have restrictions when they are closer to or border a district with a high proportion of Black residents, and nonresident Black students are much more likely to enroll in districts with higher proportions of Black students than are White nonresidents. This suggests that district officials may be restricting open enrollment when larger populations of Black residents live closer to the district. This pattern is observable in Figure 3, which shows the level of openness to nonresident students in each district. Every district that borders Pontiac—considered a Black district in our analysis—has at least some restrictions on open enrollment, with three out of the seven closed entirely and all but one capping the number of nonresident students who can enroll.

The large number of "restrictive" districts to the southeast of Pontiac are in another county and are, therefore, also closed off to Pontiac residents. In turn, by not requiring districts to transport nonresident students or by not providing additional funding for transportation costs associated with nonresident enrollment, Michigan law has made it all but impossible for the most economically disadvantaged students to attend school in the highest performing school districts. This is likely why economically disadvantaged nonresident students are significantly less likely to enroll in a nonresident district that has any restrictions.

As shown in the review of state interdistrict school choice policies by the Education Commission of the States (2018), many states have adopted open enrollment policies with greater oversight and regulation related to access. For instance, many states require districts to accept nonresident enrollees from districts that have been designated as failing or in distress. Others only allow interdistrict transfers if they will not increase racial segregation in either the losing or gaining district. Still others require districts to report their capacity levels to the state in order to ensure that districts are not improperly changing their caps to serve the goal of restricting access to students who they view as riskier to enroll. There are many ways that Michigan could adapt its school funding and school choice laws to align with the principles of justice, equity, and diversity (Scott & Quinn, 2014).

In Michigan, a state with one of the most permissive school choice laws in the country, patterns of school choice enrollment in Metro Detroit mirror the racial inequities of school enrollment nationwide. State school choice policy is not able to dismantle the residential and school segregation that was promoted by government policy (Rothstein, 2017) and is now codified along district lines. Local discretion—promoted by critics of bureaucracy and regulation (Chubb & Moe, 1990b; Ladner & Brouillette, 2000)—permits districts to restrict access and, in

turn, limit competition. These violations of the tenets of school choice philosophy, bound up in school choice advocacy, reveal political contradictions that ultimately have consequences for who benefits from both choice and local control. This study reveals that those who benefit most are already the most privileged—those who are not racial or ethnic minorities and those who live in communities with higher educational attainment. If school choice policies exacerbate, rather than ameliorate, inequities in the distribution of access to educational goods, they undermine their potential to be levers of true educational reform.

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Table 1

Metro Detroit School Districts' School Choice Policies, 2015-16

Category	Number (Pct)	Within County Open Enrollment	Contiguous County Open Enrollment	Cap on Open Enrollment Students	Application Period
Open	31 (38.27%)	Yes	Yes	No	6-9 months
Controlled	7 (8.64%)	Yes	Yes	Yes	2-4 weeks, early in year
Restrictive	12 (14.81%)	Yes	No	Yes	2-4 weeks, early in year
Exclusionary	19 (23.46%)	Yes	No	No	1-7 months
Closed	12 (14.81%)	No	No	n/a	n/a
Total	81				

Table 2

Descriptive Statistics of Metro-Detroit Tri-County School Districts

	N	Mean	Std. Dev.	Min	Max
2015 Enrollment as a Proportion of Enrollment in 2005	81	0.92	0.18	0.41	1.46
Miles to Closest Black District	81	2.16	3.63	0.00	18.37
Percent BA Degree	81	0.28	0.16	0.07	0.73
Percent Over 65	81	0.14	0.03	0.07	0.23
Percent Black	81	0.15	0.18	0.00	0.80
Foundation Allowance	81	$8,096.41	$958.17	$7,391	$12,004
Total Enrollment	81	6,251	6,670	1,092	46,912
Percent Black Students	81	0.25	0.27	0.00	0.97
Percent White Students	81	0.61	0.27	0.02	0.96
Percent Economically Disadvantaged Students	81	0.44	0.24	0.04	0.98
Percent Special Ed Students	81	0.13	0.04	0.07	0.26
Percent Proficient in 4th Grade ELA	81	0.41	0.17	0.08	0.78
Percent Proficient in 8th Grade Math	81	0.30	0.18	0.05	0.71
Graduation Rate	81	0.82	0.15	0.34	0.97

Table 3

Descriptive Statistics of School of Choice Students in Metro Detroit, 2015-16

	All Metro Detroit Students N=542,624		Nonresident Metro Detroit Students N=47,706	
Variable	Mean	Standard Deviation	Mean	Standard Deviation
Enrolled in Resident District	0.76	0.43	0	0
Enrolled in Nonresident Traditional Public District	0.09	0.28	1	1
Enrolled in Nonresident Open District	0.03	0.17	0.35	0.48
Enrolled in Nonresident Controlled District	0.01	0.08	0.07	0.25
Enrolled in Nonresident Restrictive District	0.01	0.10	0.11	0.32
Enrolled in Nonresident Exclusionary District	0.04	0.19	0.43	0.49
Enrolled in Nonresident Closed District	0.00	0.06	0.04	0.19
Enrolled in Charter District	0.15	0.36	0	0
Distance to School in Miles	2.10	2.29	4.26	3.47
Black	0.29	0.46	0.34	0.47
Latinx	0.06	0.24	0.06	0.24
White	0.56	0.50	0.52	0.50
Other Race	0.08	0.27	0.07	0.26
Economically Disadvantaged	0.49	0.50	0.55	0.50
Female	0.49	0.50	0.50	0.50
Special Education	0.13	0.33	0.14	0.35
English Language Learner	0.10	0.31	0.05	0.22

Notes. A non-zero number of nonresident students were enrolled in Closed districts in 2015-16 because they either enrolled through a non-school choice mechanism (such as a parent is an employee of the district), or they enrolled in the district via Schools of Choice prior to the district being Closed, and therefore they were grandfathered in.

Table 4

ANOVAs of District Characteristics Compared to Open Districts

	Open	Controlled	Restrictive	Exclusionary	Closed
N	31	7	12	19	12
2015 Enrollment as a Proportion of Enrollment in 2005	0.86	0.96	0.94	0.97*	0.97
Miles to Closest Black District	3.71	0.79*	1.31*	1.09**	1.45
Percent BA Degree	0.20	0.31	0.32*	0.24	0.50***
Percent Over 65	0.13	0.14	0.16**	0.16***	0.15**
Percent Black	0.22	0.08	0.07**	0.13	0.11
Foundation Allowance	$7,676	$8,058	$8,341*	$8,086	$8,977***
Total Enrollment	5,515	7,351	4,819	6,139	9,121
Percent Black Students	0.37	0.14*	0.10**	0.24	0.14**
Percent White Students	0.50	0.68	0.72*	0.62	0.70*
Percent Economically Disadvantaged Students	0.54	0.38	0.36*	0.47	0.26***
Percent Special Ed Students	0.14	0.13	0.13	0.14	0.11*
Percent Proficient in 4th Grade ELA	0.33	0.51**	0.45*	0.39	0.58***
Percent Proficient in 8th Grade Math	0.21	0.41**	0.33*	0.26	0.49***
Graduation Rate	0.74	0.86*	0.86**	0.82*	0.94***

***$p < 0.001$; ** $p < 0.01$; * $p < 0.05$

Table 5

Multinomial Logistic Regression Estimating Association Between Community Characteristics and School Choice Openness

	Relative Risk Ratio	Standard Error	Z	P>z	[95% Conf. Interval]	
Open (base outcome)						
Controlled						
2015 Enrollment as a Proportion of Enrollment in 2005	13.62683	52.054	0.68	0.494	0.0076355	24319.41
Miles to Closest Black District	0.5728897*	0.1610512	-1.98	0.048	0.3302027	0.9939431
Percent BA Degree	12.57615	51.56807	0.62	0.537	0.0040665	38892.95
Percent Over 65	67.49327	1410.675	0.2	0.84	1.09E-16	4.17E+19
Percent Black	0.0000109	0.0000717	-1.74	0.081	2.91E-11	4.113676
Foundation Allowance	1.001345	0.0009727	1.38	0.167	0.9994399	1.003253
Constant	2.07E-06	0.0000158	-1.72	0.085	7.09E-13	6.065444
Restrictive						
Percent 10-Year Change in Enrollment	0.999812	3.488536	0	1	0.0010713	933.0906
Miles to Closest Black District	0.6484304*	0.1326145	-2.12	0.034	0.4342891	0.9681614
Percent BA Degree	3.694894	14.38768	0.34	0.737	0.0017909	7623.022
Percent Over 65	1.66E+11	3.05E+12	1.41	0.16	0.0000381	7.23E+26
Percent Black	3.66E-08*	3.03E-07	-2.07	0.039	3.22E-15	0.4165671
Foundation Allowance	1.001642	0.0009116	1.8	0.071	0.9998569	1.00343
Constant	3.08E-07	2.15E-06	-2.14	0.032	3.44E-13	0.2755777
Exclusionary						
Percent 10-Year Change in Enrollment	17.84905	41.63765	1.24	0.217	0.1844852	1726.906
Miles to Closest Black District	0.6581976*	0.1214619	-2.27	0.023	0.4584352	0.9450061
Percent BA Degree	0.466992	1.739302	-0.2	0.838	0.0003155	691.1803

Percent Over 65	2.63E+17**	4.43E+18	2.38	0.017	1218.09	5.69E+31
Percent Black	0.0054551*	0.0141332	-2.01	0.044	0.000034	0.8752113
Foundation Allowance	1.000808	0.000821	0.98	0.325	0.9992003	1.002419
Constant	1.89E-06	0.000012	-2.07	0.039	6.98E-12	0.5095278
Closed						
Percent 10-Year Change in Enrollment	68.24176	228.7354	1.26	0.208	0.0957104	48656.53
Miles to Closest Black District	0.7736756	0.1743024	-1.14	0.255	0.4974971	1.203171
Percent BA Degree	17100.6*	72890.42	2.29	0.022	4.025406	7.26E+07
Percent Over 65	8635028	1.84E+08	0.75	0.454	5.92E-12	1.26E+25
Percent Black	0.006756	0.0256976	-1.31	0.189	3.91E-06	11.6785
Foundation Allowance	1.001431	0.0009123	1.57	0.117	0.9996441	1.00322
Constant	1.46E-09	1.10E-08	-2.7	0.007	5.54E-16	0.003827

Note. Pseudo $R^2 = 0.3286$
***$p < 0.001$; ** $p < 0.01$; * $p < 0.05$

Table 6

Correlations Between Student-Level Characteristics and Enrolling in a Nonresident Traditional Public School District

Variable	Correlation with Enrolled in Nonresident District
Distance to School in Miles	0.2928***
Black	0.0334***
Latinx	-0.0015
White	-0.0260***
Other Race	-0.0072***
Economically Disadvantaged	0.0360***
Female	0.0059***
Special Education	0.0117***
English Language Learner	-0.0522***

***$p<0.001$

Table 7

Multinomial Logistic Regression Estimating Nonresident Enrollment in Districts with Different Choice Policies, Clustered Standard Errors at the Residential District

	Relative Risk Ratio	Standard Error	Z	P>z	[95% Conf. Interval]	
Enrolled in Open (base outcome)						
Enrolled in Controlled						
Distance to School in Miles	0.9792	0.0270	-0.76	0.446	0.9277	1.0336
Black	0.4131**	0.1058	-3.45	0.001	0.2501	0.6823
Latinx	0.9423	0.2245	-0.25	0.803	0.5908	1.5032
Other Race	2.3113***	0.5103	3.8	0	1.4995	3.5626
Economically Disadvantaged	0.5666**	0.1000	-3.22	0.001	0.4010	0.8007
Female	0.9789	0.0414	-0.5	0.614	0.9010	1.0635
Special Education	1.1572	0.1504	1.12	0.261	0.8970	1.4930
English Language Learner	1.0236	0.2286	0.1	0.917	0.6607	1.5858
Constant	0.3660	0.1289	-2.85	0.004	0.1836	0.7298
Enrolled in Restrictive						
Distance to School in Miles	0.9121	0.0392	-2.14	0.032	0.8384	0.9923
Black	0.1556***	0.0628	-4.61	0	0.0705	0.3433
Latinx	1.8325*	0.4338	2.56	0.011	1.1522	2.9145
Other Race	0.5249**	0.1283	-2.64	0.008	0.3251	0.8476
Economically Disadvantaged	0.6933*	0.1058	-2.4	0.016	0.5141	0.9349
Female	1.0100	0.0374	0.27	0.789	0.9393	1.0859
Special Education	1.6748***	0.1778	4.86	0	1.3602	2.0623
English Language Learner	0.6287**	0.1110	-2.63	0.009	0.4449	0.8886
Constant	0.9699	0.3677	-0.08	0.936	0.4613	2.0390

Enrolled in Exclusionary						
Distance to School in Miles	0.9104**	0.0297	-2.88	0.004	0.8541	0.9704
Black	0.3387**	0.1208	-3.03	0.002	0.1683	0.6815
Latinx	0.9424	0.1635	-0.34	0.733	0.6708	1.3241
Other Race	0.8166	0.1643	-1.01	0.314	0.5505	1.2112
Economically Disadvantaged	0.8538	0.0829	-1.63	0.103	0.7059	1.0327
Female	1.0579**	0.0213	2.79	0.005	1.0170	1.1006
Special Education	1.4148**	0.1790	2.74	0.006	1.1041	1.8129
English Language Learner	0.3934***	0.0878	-4.18	0	0.2540	0.6093
Constant	2.9787	0.9344	3.48	0.001	1.6106	5.5086
Enrolled in Closed						
Distance to School in Miles	1.0376	0.0250	1.53	0.126	0.9897	1.0878
Black	0.5171	0.2345	-1.45	0.146	0.2126	1.2577
Latinx	0.7901	0.2077	-0.9	0.37	0.4719	1.3226
Other Race	0.8392	0.2057	-0.72	0.475	0.5190	1.3569
Economically Disadvantaged	0.3178***	0.0417	-8.73	0	0.2456	0.4111
Female	1.0601	0.0867	0.71	0.475	0.9031	1.2444
Special Education	2.1180***	0.2910	5.46	0	1.6180	2.7726
English Language Learner	0.7367	0.2235	-1.01	0.314	0.4065	1.3350
Constant	0.1715	0.0537	-5.63	0	0.0928	0.3169

Note. Pseudo $R^2 = 0.0584$

***$p < 0.001$; ** $p < 0.01$; * $p < 0.05$

Figure 1

Conceptual Framework of Implications for Access within the Institutional and Geographic Rules of Interdistrict Choice

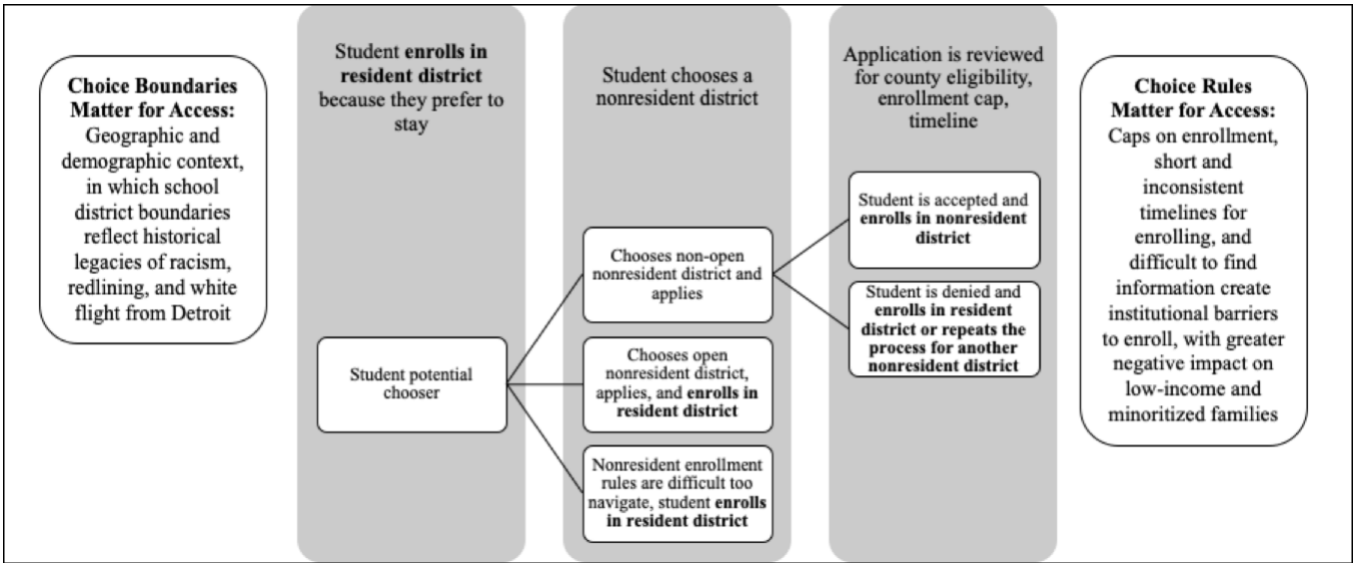

Figure 2
Map of Metro Detroit Districts with Percentage of Black Residents

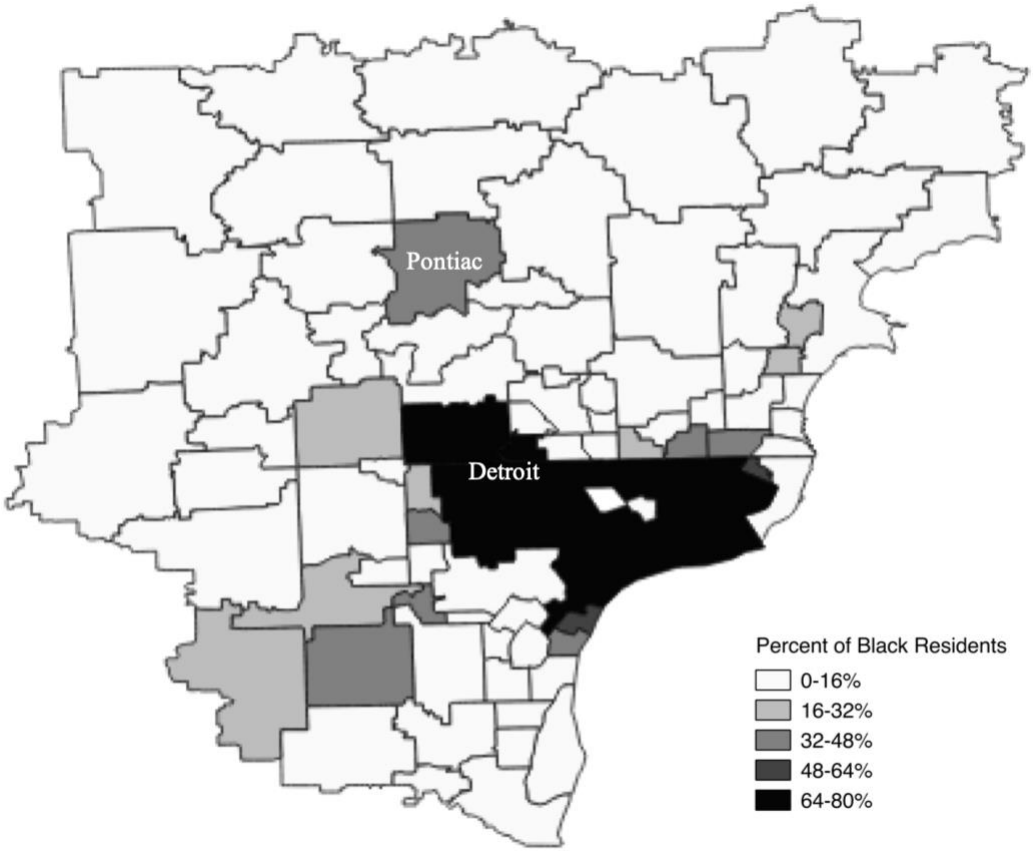

Figure 3
Map of Black Districts, with More Than 30% Black Residents

Figure 4
Map of Metro Detroit School Districts with Categories of Openness to School Choice Students