

Questions About Public School Choice Under NCLB School Improvement Programs

For detailed information on Title I Public School Choice provisions, additional guidance will be posted at http://ritter.tea.state.tx.us/nclb/titleia/sip/2010-2011_sip.html.

Which campuses and school districts are required to offer public school choice?

School districts receiving federal funds under Title I, Part A are required to make choice available to all students who are enrolled in Title I campuses if their campus has been identified as in: (1) school improvement; (2) corrective action; or (3) restructuring. The school district is responsible for paying all or a portion of the transportation necessary for students to attend their new campuses, subject to the limitations in statute.

Note: Open-enrollment public charter schools are, by design, schools of choice. Public School Choice is not applicable to open-enrollment charter schools that are identified in school improvement or other types of campuses that are by design already schools of choice.

Which students are eligible to change campuses under the Title I public school choice provisions?

All students enrolled in Title I campuses identified for school improvement, corrective action, or restructuring are eligible to transfer to another public school campus within the district (which may be a charter school) that is not in school improvement. This requirement for all students applies whether the campus in which a child is enrolled administers Title I as a schoolwide program or as a targeted assistance program. The only exception applies in the situations when there are no other campuses in the district (or outside the district) to which students could transfer.

In the case of a campus that operates a targeted assistance program, all students in the campus, not just those receiving Title I services, must have the opportunity to change campuses.

Is there any priority for students to be allowed to transfer under the Title I public school choice option?

The school district must give all students in a campus identified for improvement the opportunity to transfer to another public school. In implementing this option to transfer, however, there may be circumstances in which the school district needs to give priority to the lowest-achieving children from low-income families. For example, if not all students can attend their first choice of campuses, a school district would give first priority in assigning spaces to the low-achieving low-income students. Similarly, if a school district does not have sufficient funding to provide transportation to all students who wish to transfer, it would apply this priority in determining which students can receive transportation.

How long must a school district continue to offer students in eligible Title I campuses the option to attend another public school?

The school district must offer choice to all students in an eligible Title I campus until the campus is no longer identified for improvement, corrective action, or restructuring, i.e., until the campus makes Adequate Yearly Progress (AYP) for two consecutive years.

How long must students who change campuses be allowed to attend the campus of their choice?

If an eligible student exercises the option to transfer to another public school campus, the school district must permit the student to remain in that campus until he or she has completed the highest grade in the campus. However, the school district is no longer obligated to provide transportation for the student after the end of the school year in which the student's campus of origin is no longer identified for school improvement, corrective action, or restructuring.

What if providing the option to transfer to another campus within the district is not possible?

A number of school districts may not have campuses available to which students can transfer. This situation might occur when all campuses at a grade level are in school improvement or when the school district has only a single campus at that grade level. It also may occur in rural areas where a school district's campuses are so remote from one another that choice is impractical. For example, if the only other elementary school is over 50 miles away, then choice likely is impractical. On the other hand, if other potential elementary school choices are located outside a district-defined attendance zone or internal boundary, these school district-defined boundaries may not be used to prevent student transfers.

In these cases, the school district must, to the extent practical, enter into cooperative agreements with other school districts in the area (or with open-enrollment charter schools in the State) that can accept its students as transfers. The school district also must offer other types of supplemental educational activities or other campus reform strategies to students attending campuses in their first stage of improvement who cannot be given the opportunity to change campuses.