

## **PUBLIC SCHOOL CHOICE**

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For the first time in Title I's history, parents may elect to transfer their child out of a school that has not made adequate yearly progress for two consecutive years into a school that has made progress. After two years failing adequate yearly progress, the Title I school is designated as a school in need of improvement. The choice option becomes available in the school's first year in school improvement. This new requirement goes into effect for the 2002-2003 school year for all Title I schools in their first year of school improvement.

**Who May Transfer to Which Schools?** All children enrolled in the school must be given the option, with priority going to the lowest-achieving students from low-income families. Parents must be told not later than the first day of school about the option, what choices are available, and how free transportation will be provided. Parents must be given a choice of more than one school. Schools to which students may not transfer include schools identified for improvement, corrective action or restructuring and schools the state has determined to be persistently dangerous. Schools to which students may transfer are those that have made adequate yearly progress, including public charter schools. Receiving schools must ensure that transfer students are enrolled in classes and activities in the same manner as all other students in the school.

Districts must provide public school choice unless prohibited by state law. Districts implementing any kind of school desegregation plan are not exempt. If the plan prohibits the district from offering choice, it must secure the necessary changes in the plan to enable it to comply with this requirement.

If choice options are limited because there are no other schools that serve the grade in which the student is enrolled or because all schools are in improvement, corrective action, or restructuring, the district must take one of two actions. It must establish a cooperative agreement for transfers with another district, or it must offer supplemental services in the first year of school improvement. Lack of capacity cannot be used to limit choice options. School districts must create options that are consistent with codes for health, safety, and class-size.

**How Long Is the Choice Option Available?** Students who transfer may remain in the choice school until they have completed the highest grade in that school. However, the district's obligation to pay transportation costs ends in the school year in which the student's former school is no longer in improvement, corrective action, or restructuring.

**How Is Public School Choice Funded?** The district uses up to 20 percent of its Title I Part A allocation to pay for both public school choice and supplemental services. If Title I funds are insufficient to pay for all choice-related transportation, the district may, but is not required to, use other federal, state, or local funds. The district may not reduce by more than 15 percent the Title I allocation of a school that has been identified for corrective action or restructuring.

There has been a certain amount of confusion and uncertainty about the new public school choice mandate because it is one of the earliest requirements that local school officials had to implement. And many states did not make known until late in the summer of 2002 the results of state testing that determine whether or not a school has made adequate yearly progress and is, therefore, in school improvement for the first year. In future years, implementation problems

should be worked out. The publicity the media has devoted to this new mandate will make more parents aware of the option in the years ahead.