



# Choice Provisions in No Child Left Behind

February 2003

# Choice Provisions

## ■ Unsafe Schools Choice Option

- Title IX, section 9532

## ■ Public School Choice

- Title I, section 1116(b)(E)

## ■ Supplemental Services

- Title I, section 1116(e)

# Unsafe Schools Choice Option

- Allows students to transfer when:
  1. A school is determined to be “persistently dangerous,” and/or
  2. A student becomes the victim of a violent crime at a school.

# Persistently Dangerous Schools

- The State should develop the criteria used to identify unsafe schools.
- Such criteria must be objective.
- The State should look for trends in the data or patterns of incidents.

# Victims of Violent Crime

- The LEA must allow the student to transfer to another public school.
- The transfer is optional.

# Public School Choice

- Beginning in the 2002-2003 school year, Title I schools must offer public school choice if the school is:
  1. In the first year of school improvement,
  2. In the second year of school improvement,
  3. In corrective action, or
  4. In the planning year for restructuring.

# Sample School Timeline

Year 1	Baseline	
Year 2	Fail to make AYP	
Year 3	Fail to make AYP	
Year 4	1 <sup>st</sup> year of school improvement	Technical assistance; Public school choice
Year 5	2 <sup>nd</sup> year of school improvement	Technical assistance; Public school choice; supplemental educational services

# Eligible Students

- *All* students enrolled in the Title I schools described above are eligible for choice.
- Priority must be given to the lowest achieving, low income students.



# Schools That Can Receive Students

- May not be identified for improvement
- May include a public charter school within the LEA

# Schools That *Cannot* Receive Students

- Identified for improvement, corrective action, or are in the planning year of restructuring; or
- Identified by the State as persistently dangerous.

# Number of Options

- The LEA must offer more than one choice to eligible students.

# Notifying Parents

- Notify all parents of students enrolled in Title I schools that have been identified as having to provide choice.
- This notification must be comprehensive and in an easy-to-understand format.

# Notifying Parents (Part 2)

- At a minimum, this notification must:
  1. Inform parents that their child is eligible to attend another public school;
  2. Identify each public school, including public charter schools, that the parent can select; and
  3. Describe the performance and overall quality of those schools.

# Length of Time for Choice

- An LEA must permit the student to remain in the new school until the student has completed the highest grade in the school.
- However, the LEA is no longer obligated to provide transportation when the student's school of origin is no longer identified for improvement.

# Specialty Schools as Choice Options

- LEAs cannot disregard a school's entrance requirements.

# If No Schools Are Available (Part 1)

- Parents must *still* be notified
- Such notification might also inform parents of the option of supplemental services for those children who are eligible



## If No Schools Are Available (Part 2)

- May establish a cooperative agreement with other LEAs
- May offer supplemental educational services to all students who are eligible

# Late Assessment Results

(applies *only* for 2002-2003)

- States with late assessment results may allow LEAs to wait to take action.
- If the results indicate that a school has not made AYP for a second consecutive year, the school *must* remain in improvement status and immediately offer supplemental services and choice as soon as possible.

# Desegregation Orders and Choice

- An LEA should review the parameters of its desegregation plan.
- The LEA may need to seek court approval for amendments to the plan.
- If the plan has been agreed to with the Department's Office for Civil Rights, OCR will work with the LEA to enable the LEA to comply with Title I public school choice requirements.

# Responsibilities of the Receiving School

- Must ensure that the students are able to participate fully in the school.

# State Laws Prohibiting Choice

- Restrictions on public school assignments or the transfer of students from one public school to another public school.

# Choice-Related Transportation

- An LEA must provide transportation to the new school.
- An LEA is responsible for transportation until the school of origin is no longer in improvement status.

# Funding for Choice

- Unless a lesser amount is needed, an LEA must spend up to an amount equal to 20% of its Title I, Part A allocation on:

5% = Choice-related transportation;

5% = Supplemental educational services; or

10% = A combination of (1) and (2).

# School Choice Reporting Requirements

- The number of students and schools that participate in public school choice must be included in the State's annual Title I State report.
- The law also requires that the information in this report be made widely available within the State.



# Supplemental Educational Services

- Extra academic assistance for low-income students who are attending Title I schools that have failed to make AYP for three or more years

# Sample School Timeline

Year 1	Baseline	
Year 2	Fail to make AYP	
Year 3	Fail to make AYP	
Year 4	1 <sup>st</sup> year of school improvement	Technical assistance; Public school choice
Year 5	2 <sup>nd</sup> year of school improvement	Technical assistance; Public school choice; supplemental educational services

# Allowable Services

- Tutoring
- Remediation
- Academic intervention
  
- Instruction must take place outside the regular school day

# Eligible Students

- from low-income families, and
- attending Title I schools in the 2<sup>nd</sup> year of school improvement.

# Establishing Priorities

- When more students request services than the LEA can fund, the LEA must prioritize serving students from low-income families who are the lowest achieving.

# Role of the States

- Identify eligible providers
- Develop objective identification criteria
- Provide geographically relevant lists to LEAs
- Monitor the quality and effectiveness of the services offered by providers

# Four Criteria for Providers

- A demonstrated record of effectiveness
- High quality instructional strategies
- Services consistent with the LEA's instructional programs and the State's academic content standards
- Financially sound

# Provider Profile

- School or LEA
- Institution of higher education
- Educational service agency
- Nonprofit or for-profit entity
- Faith-based organization



# Responsibilities of the Provider

- Set specific achievement goals for the student
- Describe how the student's progress will be measured
- Establish a timetable for improving the student's achievement

# Responsibilities of the District

- Notify parents
- Help parents choose a provider
- Determine which students should receive services when all cannot be served
- Enter into an agreement with the provider

# Information for Parents

- LEAs must give parents accurate, easy-to-understand information
- Communication must occur at least annually
- Parents may select any provider from the State-approved list

# Length of Time for Providing Supplemental Services

- *Schools:* When schools make AYP for two consecutive years, they are no longer required to provide services.
- *Students:* Students should be given services for an extended period of time, preferably the entire school year.

# Funding for Supplemental Services (Part 1)

- An LEA must spend the lesser of (1) the amount it receives in Title I funding per low-income child, or (2) the cost of the services themselves.
- An LEA must spend an amount equal to at least 5% of its Title I allocation (if needed), or up to 20%, depending upon the need for choice-related transportation.

# Funding for Supplemental Services (Part 2)

- Title V, Part A Local Innovative Education Program
- Funds transferred to Title I under Section 6123 of ESEA:
  - Title II, Part A
  - Title II, Part D
  - Title IV, Part A
  - Title V, Part A

# Distance Learning Technology

- Some LEAs may have a limited number of providers.
- Providers that utilize distance learning technology do not have different criteria for eligibility.

# Legislation, Regulations and Guidance:

[www.ed.gov/offices/OESE/asst.html](http://www.ed.gov/offices/OESE/asst.html)