

Archived Information



Choice Provisions in No Child Left Behind

Cheri Pierson Yecke, Ph.D.

Director of Teacher Quality and Public School Choice

Laura O. Lazo

Education Program Analyst, Student Achievement and
School Accountability Programs

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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)

1. Unsafe Schools Choice Option

- This program requires that students in unsafe situations be allowed to transfer to other – safer - public schools.
- Transfers must be allowed for two reasons:
 1. When a school is determined to be “persistently dangerous,” and
 2. When a student becomes the victim of a violent crime at a school.

Persistently Dangerous Schools

- The State, in consultation with a representative sampling of LEAs, should develop the criteria to be used in identifying unsafe schools.
- Such criteria must be objective and could include data such as the number of times a firearm was brought into a school, the number of fights, etc.
- The State should look for trends in the data or patterns of incidents within the current or most recent school year in determining if a school should be designated as persistently dangerous.

Victims of Violent Crime

- If a student becomes the victim of a violent criminal offense at school, the LEA must allow the student to transfer to another public school.
- The transfer is optional – the student is not required to transfer, but the offer for such a move must be made.

Guidance Document

- For more information about the Unsafe Schools Choice Option, go to:

<http://www.ed.gov/offices/OESE/SDFS/un safeschoolchoice.doc>

2. Public School Choice

- Beginning with the 2002-2003 school year, Title I schools must offer public school choice to their students 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 | 2001-02 | Baseline | |
| Year 2 | 2002-03 | Fail to make AYP | |
| Year 3 | 2003-04 | Fail to make AYP | |
| Year 4 | 2004-05 | 1 st year of school improvement | Technical assistance; Public school choice |
| Year 5 | 2005-06 | 2 nd 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.
- If it is not possible to offer choice to all students requesting it, then priority must be given to the lowest achieving, low income students.

Schools that can receive students

- Any school offered as a choice option must have higher academic performance than the school of origin and may not be identified for improvement.
- Students must be given the option to transfer to another public school, which may include a public charter school, within the LEA.
- Charter schools that fall within the boundaries of an LEA, but are not authorized by the LEA, may also be included as transfer options.

Schools that *cannot* receive students

- Students may not transfer to any schools that:
 1. Have been identified for improvement, corrective action, or the planning year of restructuring; or
 2. Have been identified by the State as persistently dangerous.

How many options?

- If more than one school is available as a choice option, the LEA must offer more than one choice to eligible students.

Notifying parents (Part 1)

- An LEA must provide an explanation of the choice option to all parents of students enrolled in Title I schools that have been identified as having to provide choice.
- This notification must be in a comprehensive, easy-to-understand format, and to the extent practicable, in a language the parents can understand.

Notifying parents (Part 2)

- At a minimum, this notification must:
 1. Inform parents that their child is eligible to attend another public school due to the less than adequate performance of their current 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

- If an eligible student exercises his or her choice option, 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 for the student after the end of the school year in which the student's school of origin is no longer identified for school improvement, corrective action, or in the planning year of restructuring.

Specialty schools as choice options

- LEAs cannot disregard entrance requirements, such as evidence of specific academic ability or other skills, when identifying transfer options for students.
- For example, students wishing to transfer to a fine arts magnet school or to a school for gifted students would still need to meet the requirements to attend those schools.

What if no schools are available?

(Part 1)

- Parents must *still* be notified that their child's school is identified for school improvement and that the child is eligible for choice, but that no choices are currently available.
- Such notification might also inform parents of the option of supplemental services for those children who are eligible.

What if no schools are available?

(Part 2)

- This may occur when all schools at a grade level are in school improvement. In this case, the LEA shall, to the extent practicable, establish a cooperative agreement with other LEAs in the area.
- Other situations may also exist, such as where there is only one school in the district or when the rural or isolated nature of an LEA prevents choice. In these situations, the LEA may offer supplemental educational services to all students who are eligible.

Late assessment results and choice (applies *only* for 2002-2003)

- States with assessment results that arrive *after* the beginning of the 2002-03 school year may allow districts to wait until the assessment data have been received to take action.
- If the assessment results indicate that a school has not made AYP for a second consecutive year, the school *must* remain in improvement status and (1) offer supplemental services immediately and (2) offer choice as soon as possible, but no later than the beginning of the next term of the 2002-03 school year.

Desegregation orders and choice

- An LEA should first determine whether it is able to offer choice within the parameters of its desegregation plan.
- If it is not able to do so, the district needs to seek court approval for amendments to the plan that permit a transfer option for eligible students.
- If the plan has been agreed to with the Department's Office for Civil Rights (OCR), OCR will work with the LEA to identify permissible amendments to the plan that will enable the LEA to comply with Title I public school choice requirements.



Responsibilities of the receiving school

- A school that receives students under this program must ensure that the students are enrolled in classes and other activities in the school in the same manner as all other students in the school.

State laws prohibiting choice

- The only type of State law that can limit or prevent the choice option is a law that prohibits public school choice through restrictions on public school assignments or the transfer of students from one public school to another public school.
- Other laws, such as those that mandate specific student-teacher ratios, may make providing choice options more difficult, but may not be used to prohibit parental choices.

Choice-related transportation

- An LEA must pay for, or 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 to meet demand for choice-related transportation and to satisfy all requests for supplemental educational services, an LEA must spend up to an amount equal to 20 percent of its Title I, Part A allocation, before any reservations, on:
 1. Choice-related transportation;
 2. Supplemental educational services; or
 3. 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 to the U.S. Secretary of Education [*Title I, section 1111(h)(4)(F)*].
- The law also requires that the information in this report be made widely available within the State [*Title I, section 1111(h)(4)*].

Guidance Document

- The guidance document for public school choice will be available in October at:

<http://www.ed.gov/offices/OESE/SASA/schoolchoiceguid.doc>

3. Supplemental Educational Services

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

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Allowable services include

- Tutoring
- Remediation
- Academic intervention

- Instruction must take place outside the regular school day.

Eligible students

- Children who are eligible are those who meet two criteria: (1) they are from low-income families, and (2) they are attending Title I schools in the second year of school improvement.

Establishing priorities

- When more students request services than the school district can fund, the school district must place a priority on serving students who are the lowest achieving.

Role of the States

- States are responsible for identifying eligible providers, with parental input.
- States must develop objective identification criteria.
- States will provide geographically relevant lists to districts.
- States must monitor the quality and effectiveness of the services offered by providers.

Four Criteria for Providers

- The provider must demonstrate a record of effectiveness in improving student achievement. The State defines “demonstrated record of effectiveness.”
- Instructional strategies must be of high quality, based upon research, and designed to increase student achievement.
- Services must be consistent with instructional programs of the school district and with State academic content standards.
- Providers must be financially sound.

Provider Profile

A provider may be a:

- School entity (public or private)
- Institution of higher education (public or private)
- Nonprofit or for-profit organization
- Faith-based organization

Responsibilities of the provider

Responsibilities include:

- Setting specific achievement goals for the student, which must be developed in consultation with the student's parents.
- Providing a description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress.
- Establishing a timetable for improving the student's achievement.

Responsibilities of the district

Responsibilities include:

- Notifying parents about the availability of services;
- Helping parents chose a provider, if such help is requested;
- Determining which students should receive services when all students cannot be served;
- Entering into an agreement with a provider selected by parents of an eligible student

Information for Parents

- School districts must give parents accurate, easy-to-understand information about supplemental services.
- Communication between parents and districts must occur at least annually.
- Parents may select any provider from the state-approved list.

Length of time for providing Supplemental Services

- *Schools:* As schools improve and make Adequate Yearly Progress (AYP) for two consecutive years, they are no longer required to provide these services.
- *Students:* A student who is eligible to receive these services should be given them for the entire school year.

Funding for Supplemental Services (Part 1)

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

Funding for Supplemental Services (Part 2)

- LEAs may use funds from Title V, Local Innovative Education Program; and funds transferred to Title I from other federal education programs under Section 6123 of ESEA, including funds from Title II, Part A Improving Teacher Quality State Grants; Title II, Part D Educational Technology State Grants; Title IV, Part A Safe and Drug-Free Schools and Communities State Grants; and Title V, Part A State Grants for Innovative Programs.

Distance learning technology

- Some school districts may have a limited number of providers, so organizations that provide distance learning technology should be considered.
- Providers that utilize distance learning technology do not have different criteria for eligibility.

Guidance document

- For more information on supplemental services, go to:

<http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.doc>

Online resources

- **Department of Education**

www.ed.gov

- **No Child Left Behind**

<http://www.nochildleftbehind.gov/>

- **Publications**

<http://www.ed.gov/about/ordering.jsp>

Online resources, continued

■ TEACHER ISSUES

Title II Guidance link

www.ed.gov/offices/OESE/SIP/TitleIIGuidance2002.doc

Secretary's Report on Teacher Quality

<http://www.title2.org/ADATitleIIReport2002.pdf>

Teacher/Principal Quality Web Site (Grants)

<http://www.ed.gov/offices/OESE/TPR/index.html>

Whitehurst speech on preparing teachers

<http://www.ed.gov/inits/preparingteachersconference/whitehurst.html>

Online resources, continued

- **READING**

<http://www.ed.gov/offices/OESE/readingresources.html>

- **ADEQUATE YEARLY PROGRESS**

<http://www.ed.gov/News/Letters/020724.html>

- **TRANSFERABILITY AND FLEXIBILITY**

<http://www.ed.gov/flexibility/index.html>

Online resources, continued

■ SUPPLEMENTAL SERVICES

Guidance

<http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.doc>

■ UNSAFE SCHOOL CHOICE OPTION

Guidance

[http://www.ed.gov/offices/OESE/SDFS/
unsafeschoolchoice.doc](http://www.ed.gov/offices/OESE/SDFS/unsafeschoolchoice.doc)

Online resources, continued

■ PUBLIC SCHOOL CHOICE

June 14, 2002 Letter on Choice

<http://www.ed.gov/News/Letters/020614.html>

August 16, 2002 Letter on Choice

<http://www.ed.gov/News/Letters/020816.html>

Guidance Document

(will be available in October)

<http://www.ed.gov/offices/OESE/SASA/schoolchoiceguid.doc>

