

*Public School Choice
Draft Non-Regulatory Guidance
December 4, 2002*

D-1. When should parents be notified that their children are eligible for public school choice?

Parents should be notified well before the beginning of the school year or school term in which choice will be offered. (See item B-2 of this document.)

B-2. When must an LEA make public school choice available to eligible students?

An LEA must provide public school choice, by the beginning of the 2002-2003 school year, to students in schools that were identified for improvement or corrective action as of January 8, 2002 or for schools identified for school improvement for 2002-2003 based on 2001-2002 assessment results (see B-8). *In subsequent years, an LEA must make choice available for students not later than the first day of the school year following the school year in which the LEA administered the assessments that resulted in the school being identified as in need of school improvement, corrective action or restructuring.*

Parents should be notified well before the beginning of the school year in which choice will be offered.

B-3. How should year-round schools meet the requirement to offer school choice by the beginning of the school year?

In the case of year-round schools, choice must be offered at the beginning of the school year as that term is defined by the SEA or LEA. Parents should be informed of their opportunity to choose another school as early as possible, no later than the period preceding the start of the new school year.

B-4. What is the responsibility of an SEA to ensure that public school choice is available at the start of a new school year?

An SEA must provide student assessment results to each LEA in a timely manner so that the LEA can, before the beginning of the new school year, identify those schools whose students may transfer and inform parents that they may choose a different school for their child.

*Supplemental Educational Services
Non-Regulatory Guidance
August 22, 2003*

E-3. May an LEA set a deadline by which parents must request supplemental educational services?

Yes, an LEA may establish a reasonable deadline by which parents must request services. In establishing this timeframe, the LEA must ensure that the parents have sufficient time, information, and opportunity to make informed decisions about requesting supplemental educational services and selecting a provider. *For example, a two-week period, late in the summer, is unlikely to provide sufficient time for parents to make those decisions.*

*USDE Title I Rules and Regulations
January 2, 2003*

§ 200.31

Opportunity to review school-level data. (a) *Before identifying a school for school improvement, corrective action, or restructuring, an LEA must provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.* (b)(1) *If the principal of a school that an LEA proposes to identify for school improvement, corrective action, or restructuring believes, or a majority of the parents of the students enrolled in the school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the LEA. (2) The LEA must consider the evidence referred to in paragraph (b)(1) of this section before making a final determination.* (c) *The LEA must make public a final determination of the status of the school with respect to identification not later than 30 days after it provides the school with the opportunity to review the data on which the proposed identification is based.*

§ 200.44

Public school choice. (a) *Requirements.* (1) In the case of a school identified for school improvement under § 200.32, for corrective action under § 200.33, or for restructuring under § 200.34, the LEA must provide all students enrolled in the school with the option to transfer to another public school served by the LEA. (2) *The LEA must offer this option not later than the first day of the school year following the year in which the LEA administered the assessments that resulted in its identification of the school for improvement, corrective action, or restructuring.*

Public Law print of PL 107-110, the No Child Left Behind Act of 2001

SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW-

(1) IN GENERAL- Each local educational agency receiving funds under this part shall —

(A) use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2);

(B) at the local educational agency's discretion, use any academic assessments or any other academic indicators described in the local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;

(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

(D) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this part.

(2) AVAILABLE RESULTS- *The State educational agency shall ensure that the results of State academic assessments administered in that school year are available to the local educational agency before the beginning of the next school year.*

(b) SCHOOL IMPROVEMENT -

(1) GENERAL REQUIREMENTS –

(E) PUBLIC SCHOOL CHOICE -(i) IN GENERAL - *In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.*