



Parent Options Under *No Child Left Behind:* Public School Choice

September 2009

The *No Child Left Behind Act (NCLB)* of 2001 is a federal law to improve education for all children. It holds schools responsible for results, gives parents greater options, and promotes teaching methods that work. Under this education law, children who attend schools that receive Title I funds will no longer be trapped in low-performing or dangerous schools. Such schools must use their federal funds to make needed improvements. In the event of a school's continued poor performance, parents have options to ensure that their children receive the high-quality education to which they are entitled.

What does "public school choice" mean?

Public school choice provides parents the right to take their children out of a low-performing school or an unsafe school, and transfer them to a better school. This is true in any school that receives Title I funds from the federal government.

The parents of children in underachieving schools nationwide will be eligible for new options immediately under *NCLB*. Public school choice is a relatively new concept in most states.

Children are eligible for school choice when the Title I school they attend has not made adequate yearly progress (AYP) in improving student achievement—as defined by the state—for 2 consecutive years or longer and is therefore identified as needing improvement.

Any child attending such a school must be offered the option of transferring to a public school in the district—including a public charter school—not identified for school improvement, unless such an option is prohibited by state law. *No Child Left Behind* requires that priority in providing school choice be given to the lowest achieving children from low-income families.

How do parents know if their child is eligible for school choice?

Under *NCLB*, school districts are required to notify parents if their child is eligible for school choice because his or her school has been identified as needing improvement. They must notify parents no later than the first day of the

school year following the year for which their school has been identified for improvement.

Schools and districts receiving Title I funds **must** provide choice for eligible students as described above, but priority **must** go to the lowest-achieving, low-income students.

Do public school options include only schools in the same district?

No. There may be situations where children in Title I schools have school options outside their own district. For instance, if all public schools in one district are in need of improvement, a school district may choose to enter into a cooperative agreement with another district that would allow their students to transfer into the other district's schools.

The law requires that a district try "to the extent practicable" to establish such an agreement in the event that all of its schools have been identified as needing improvement. Unless state law forbids it, public school choice must be provided.

What if no schools are available?

Even if no choice schools are available, the district must still notify parents that their child's school is in need of 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. (See "Education Extras: Parent Options Under *No Child Left Behind*: Supplemental Services".)

Which schools can receive students from schools identified as needing improvement?

Parents must be given the option to transfer their children to another public school, which may include a public charter school, within the district. Charter schools that fall within the boundaries of a school district, but are not authorized by the local school district, may also be included as transfer options.

Any school offered as a choice option must

- have higher academic performance than the school of origin,
- may not be in need of improvement or deemed persistently dangerous,
- may include a public charter school in the district.

Are some schools ineligible to receive students from a school needing improvement?

Yes. Students may not transfer to any schools that have been identified as needing improvement themselves or that have been identified by the state as persistently dangerous.

How many options might parents/students have, and how long can the student stay in the new school?

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

If an eligible student exercises his or her choice option, a school district must permit the student to remain in the new school until the student has completed the highest grade in the school. (For example, up to the fifth grade in an elementary school.)

Will transportation be offered to students exercising public school choice options?

Yes. Districts must provide, or pay for, transportation required for a student to exercise public school choice. However, they must give priority to the lowest-achieving children from low-income families. The district will pay for the student's transportation as long as his/her original school remains in improvement status.

However, if the original school begins to make the necessary improvements, meets adequate yearly progress (AYP), and is no longer considered a low-performing school, the district will not provide free transportation to the new school any more, but the child can still stay in that school. Parents will then be responsible for getting their child to and from that school. School districts will provide transportation required for a student to attend a higher performing school only as long as the original school is identified as needing improvement.

When, how, and on what issues are school districts required to notify parents?

Parents must be notified:

- ✓ every year
- ✓ in a comprehensive, easy-to-understand format
- ✓ “to the extent possible”, in a language parents can understand
- ✓ to which schools they can transfer their children
- ✓ of the performance and quality of those schools
- ✓ how long students can stay in the receiving schools
- ✓ that the school will provide transportation
- ✓ even if no schools are available for choice in the district
- ✓ if options for out-of-district transfer are available
- ✓ if options for Supplemental Education Services are available.

How will rural and geographically isolated schools comply?

A small number of districts may not have schools available to which students can transfer. In such cases, the district must, to the extent practicable, enter into cooperative agreements with charter schools, or arrange for “distance learning” through computers and teleconferencing.

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