



ESEA in focus: Public School Choice

*When a Title I school fails to meet Adequate Yearly Progress (AYP) for two consecutive years, the district must identify that school for improvement. In the first year of school improvement, parents of students in Title I schools must be offered **public school choice**. Parents of students in Title I schools identified for their 2nd year of school improvement will be eligible to receive supplemental educational services for their children.*

What is public school choice and who is eligible?

Within the context of ESEA, public school choice is the option to transfer within the district to another public school that has not been identified for improvement. All students enrolled in a Title I school that has not made AYP for two consecutive years are eligible for public school choice.

The district pays for transportation for public school choice using some Title I funds.

- If transportation for public school choice is required, the district must use an amount equal to at least 5% of its Title I allocation, and up to 20% depending upon the need for supplemental educational services.
- In some circumstances when more students request transportation than the school district can fund, the school district must place a priority on serving the lowest achieving, low-income students.

What about school capacity or schools with entrance requirements?

Capacity is only subject to health and safety requirements regarding facility capacity. Transferring students should be treated as students who have moved into the receiving school's attendance zone and allowed to enroll in class and other activities on the same basis as other children in the school. But districts are not required to disregard entrance requirements based on academic or other skills for the gifted and talented, math or science schools, or other similar schools.

What happens if a student's home school is no longer in need of improvement?

When a school once identified for improvement makes enough progress to be removed from the requirement to provide public school choice, the district is released from the obligation to pay for transportation. However, students who have transferred to other schools must be permitted to remain at that school through the highest grade level offered, if they so desire.

We have only one school or all of our schools are in need of improvement. What then?

In such cases public school choice is not available unless the district enters into a cooperative agreement with a neighboring district. While the U.S. Secretary of Education encourages such agreements, there is no obligation on the part of districts to join them. The Secretary further encourages such districts to consider offering supplemental educational services or other choices in curriculum or instruction such as distance learning.

For more information

www.coloradoea.org Colorado Education Association
www.cde.state.co.us Colorado State Department of Education -- click on the NCLB icon
www.ed.gov U.S. Department of Education

Contact your UniServ Director to arrange for a presentation on ESEA in your local.