

**STATE BOARD OF EDUCATION GUIDELINES
FOR THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND
PUBLIC SCHOOL CHOICE REQUIREMENTS**

The *No Child Left Behind Act of 2001* requires school divisions to identify for Title I School Improvement any elementary or secondary school served under Title I that, for two consecutive years, does not make adequate yearly progress (AYP) in the same subject area. These schools are designated as in "Year 1 Title I School Improvement Status" and must offer the public school choice option to parents. Title I schools that do not make AYP for three consecutive years in the same subject area must continue to offer public school choice and, additionally, provide supplemental educational services to eligible students. These schools are designated as in "Year 2 Title I School Improvement Status." The obligation to offer the public school choice option ends when schools have made AYP for two consecutive years in the same subject area in which they were identified for Title I School Improvement.

Specifically, no later than the first day of the school year following Title I School Improvement identification, the school division must provide all students enrolled in a Title I Schoolwide Program School or a Title I Targeted Assistance School with the option to transfer to another public school served by the school division, including a public charter school, that has not been identified for Title I School Improvement, unless such an option is prohibited by state law. In providing students the option to transfer to another public school, school divisions must give priority to the lowest achieving students from low-income families, as determined by the school division. The legislation requires the following:

- The public school choice program shall not discriminate on the basis of race, color, national origin, sex, disability, or age and must be consistent with applicable civil rights commitments.
- The school division is obligated to fund transportation for the student to attend the selected school.
- The obligation of the school division to provide, or to provide for, transportation for the student ends at the close of a school year, if the school division determines that the school from which the student transferred is no longer identified for Title I School Improvement or subject to corrective action or restructuring.
- A school division must permit a student who transferred to another school to remain in that school until the student has completed the highest grade in that school.
- If a school division demonstrates that it cannot provide choice to all students in low-performing schools, the school division must permit as many students as possible to transfer to a school not identified for Title I School Improvement, with priority given to the lowest performing students in the highest poverty schools.
- If all public schools served by the school division to which a student may transfer are identified for Title I School Improvement, corrective action or restructuring, the school division shall, to the extent practicable, establish a cooperative agreement with other school divisions in the area for transfer.

- Effective communication with parents must take place to inform them of the public school choice opportunity.

The following, "USED Office of Elementary and Secondary Education Guidance for Implementation of Public School Choice," should be helpful as school divisions discuss the NCLB public school requirement option and should be considered a part of the State Board of Education guidelines.

- A school division has the flexibility to determine which schools, among those not identified for improvement, will comprise the schools to which students may transfer.
- A school division that has established an open enrollment policy may be found to meet the choice requirement, after examination of the policy by the state.
- The funding set aside for public school choice and supplemental educational services is an amount equal to 20 percent of the Title I Basic allocation. Collaborative funding may be used.
- School divisions should consider offering supplemental education services or other choices in curriculum or instruction such as distance learning when choice is not possible.

STATE BOARD OF EDUCATION GUIDELINES (continued)

Virginia Demonstration of “Best Effort” Procedures for Implementation of Public School Choice

A school division must demonstrate that it has conducted an exhaustive effort to meet the public school choice requirements of the *No Child Left Behind Act of 2001*. School divisions are expected to:

- Identify the highest poverty schools in “Title I School Improvement” status.
- Identify and prioritize the lowest performing students in those schools to whom public school choice is to be offered.
- Identify potential receiving schools, including available charter schools, closest in proximity to the schools in “Title I School Improvement” status.
- Explore scheduling alternatives, staffing alternatives, and space availability options at potential receiving schools.
- Explore the feasibility of developing a charter school.
- If providing choice within the school division is not possible after completing these procedures, contact school divisions in the area to establish a cooperative agreement for student transfer.
- Document requests and responses from local school boards regarding acceptance of qualified students.