



SUPERINTENDENT OF PUBLIC INSTRUCTION

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() Action Required
(X) Informational

BULLETIN NO. 36-03 LEARNING AND TEACHING

TO: Educational Service District Superintendents
Chief School District Administrators
School Principals
School District Public Relations Professionals
Federal Program Directors

FROM: Dr. Terry Bergeson, State Superintendent of Public Instruction

RE: Guidance on Public School Choice and Elementary and Secondary Education Act (ESEA)

This bulletin is primarily intended for schools currently in School Improvement. These schools have been notified of their School Improvement status by the Office of Superintendent of Public Instruction (OSPI) Title I office. It is important to remember that 2003 assessment information could affect any school's School Improvement status. The Title I office will contact you if your status changes.

This bulletin outlines requirements set forth by the reauthorized federal Elementary and Secondary Education Act, also known as the No Child Left Behind (NCLB) Act of 2001, and is intended to provide information regarding *public school choice* as it relates to schools identified for School Improvement.

Under the federal law, any Title I school that has been identified for School Improvement must implement *public school choice*. Under this provision, districts must provide all students enrolled in a school identified for improvement the option to transfer to another public school within the same district that is not in School Improvement status. If there is insufficient funding available to transport all students requesting transfer into another school, the district must give priority to the lowest-achieving students from low-income families.

If there are no other schools in the district or no other unidentified schools within a district, then the district may, to the extent practicable, establish a cooperative agreement for transfer with one or more districts in the area.

Information on *public school choice* must be provided to parents before the first day of school, in a clear and uniform format, and to the extent practicable, in a language parents can understand. A district has the right to determine an appropriate length of time to offer *public school choice* to parents. For example: a district could send out notification to parents on August 20 and set September 20 as the last day in that school year for a parent to request *public school choice*. Setting this deadline would allow districts to budget from the required “set aside” formula established in NCLB/ESEA of Title I district funds to accommodate the requests and access the remaining funds for other purposes necessary to address identified student needs.

A district must use from 5 to 15 percent of its Title I, Part A allocation or an equal amount from other federal, state, or local fund sources to pay for transportation costs. Districts must provide or pay for the transportation required for a student to exercise *public school choice*. Transportation costs must be provided until the school is removed from School Improvement. If the school is removed from School Improvement, the student has the right to remain in the school to which he/she transferred, but the district is no longer required to pay transportation expenses. Students must be allowed to complete the highest grade at the school to which they transferred.

Additional information on *public school choice* requirements is available on the OSPI website at www.k12.wa.us/esea. If you have other questions about this issue, please contact Gayle Pauley, Director of Title I, at (360) 725-6100 or via e-mail at gpauley@ospi.wednet.edu. The agency TTY number is (360) 664-3631.

LEARNING AND TEACHING

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